

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

-7684

U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

GIFFORD PINCHOT, FORESTER.

THE USE BOOK

REGULATIONS AND INSTRUCTIONS FOR
THE USE OF THE NATIONAL FORESTS.

ISSUED BY THE SECRETARY
OF AGRICULTURE JULY 1, 1908.

1908.

LIBRARY

RECEIVED

AUG 17 1908

U. S. Department of Agriculture.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.

1908.

U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

GIFFORD PINCHOT, FORESTER.

THE USE BOOK

REGULATIONS AND INSTRUCTIONS FOR
THE USE OF THE NATIONAL FORESTS.

ISSUED BY THE SECRETARY
OF AGRICULTURE JULY 1, 1908.

1908.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1908.

“The Secretary * * * may make such rules and regulations * * * as will insure the objects of said reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of this act or such rules and regulations shall be punished (by \$500 fine or twelve months’ imprisonment, or both) as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States.” (Act of June 4, 1897, 34 Stat., 35.)

U. S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D. C., June 1, 1908.

SIR: I have the honor to present for your approval a third revision of the regulations and instructions for the use of the National Forests.

Very respectfully,

GIFFORD PINCHOT,
Forester.

Hon. JAMES WILSON,
Secretary.

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., June 3, 1908.

The accompanying regulations, bearing date June 1, 1908, are under authority conferred by law upon the Secretary of Agriculture, hereby approved, to take effect July 1, 1908, and all previous regulations in conflict with them are hereby revoked. The Forester is authorized to issue instructions for the execution of these regulations and regulations hereafter established.

JAMES WILSON,
Secretary.

CONTENTS.

	Page.
To the public.....	9
History and objects of National Forests.....	11
Creation of National Forests—additions and eliminations....	15
The Forest Service upon National Forests	17
Relation of Forest officers to the public	17
Organization	18
General qualifications and duties	18
Inspectors	18
Supervisors	19
Deputy supervisors	20
Forest assistants.....	20
Lumbermen.....	21
Scalers.....	21
Planting assistants.....	21
Rangers.....	21
Forest guards	23
Examinations	23
Special studies upon the National Forests	25
Protection of city water supplies.....	25
Creation of National monuments	26
Claims.....	26
In general	26
Homestead claims	27
Forest homestead act	28
Desert-land claims.....	30
Timber and stone claims	31
Mining claims	32
Town sites	34
State lands.....	34
Railroad lands	35
Administrative sites	35

	Page.
Uses.....	36
Jurisdiction of the Department of Agriculture	36
Jurisdiction of the Department of the Interior.....	36
Permits.....	37
Special uses	38
Lands withdrawn for administrative purposes	38
Free permits	39
Payment for special uses	39
Speculative applications.....	40
Emergency uses	40
Schools and churches.....	41
Cultivation of agricultural land.....	41
Roads and trails.....	42
Telephone lines on county roads through National Forests	43
Power plants.....	43
Game and fish preserves	45
Rights of way amounting to easements.....	45
Administrative use of timber.....	47
Free use of timber and stone	47
Timber settlement.....	50
Timber sales	50
Classes of sales	52
Payments and deposits.....	55
Conditions of sale	55
Advertisements and bids	58
Advance cutting.....	59
Preparation of formal applications	59
Special regulations for Alaska	62
Grazing.....	63
Advisory boards.....	65
Allotment	66
Districts and divisions	69
Permits.....	69
Applications for permits	71
Fees.....	74
Restrictions in handling stock	76

Uses—Continued.

Grazing—Continued.

Use of private land	79
Crossing permits	80
Drift fences and inclosures	81
Wild hay	84
Quarantine and local laws	84
Protection of game and stock	85

Receipts	86
----------------	----

Refunds	87
---------------	----

Bonds and contracts	88
---------------------------	----

Protection against fire	88
-------------------------------	----

Fire laws and penalties	91
-------------------------------	----

How to fight fire	91
-------------------------	----

Protection against trespass	93
-----------------------------------	----

Protection of Government property	94
---	----

Forest planting	95
-----------------------	----

Timber-treating plants	96
------------------------------	----

Wood utilization laboratories	96
-------------------------------------	----

Permanent improvements	97
------------------------------	----

Roads	97
-------------	----

Trails	98
--------------	----

Telephone lines	98
-----------------------	----

Fire lines	100
------------------	-----

National Forest boundaries	100
----------------------------------	-----

Surveys within National Forests	100
---------------------------------------	-----

TO THE PUBLIC.

The timber, water, pasture, minerals, and other resources of the National Forests are for the use of the people. They may be obtained under reasonable conditions without delay. Legitimate improvements and business enterprises are encouraged.

National Forests are open to all persons for all lawful purposes.

Persons who wish to make any use of the resources of a National Forest for which a permit is required should consult the nearest Forest officer.

Twenty-five per cent of all receipts from National Forests are given to the counties in which they lie, to be used for schools and roads.

No one but the Fiscal Agent, Forest Service, Washington, D. C., and the Special Fiscal Agent, Ketchikan, Alaska, is authorized to receive payments for any use of the Forests.

Payments must be in the form of postal or express money orders or national-bank drafts on New York City, drawn payable to the Treasurer of the United States. Other forms of drafts, checks, certified checks, or postage stamps will not be accepted.

Complaints should be made in writing, both to the immediate superior of the officer complained against and to the Forester, at Washington.

Every user of a National Forest will be held responsible for knowing the regulations and obeying them.

Throughout this book general information and directions are printed in this type.

Regulations are printed in this type.

THE USE BOOK.

HISTORY AND OBJECTS OF NATIONAL FORESTS.

National Forests are created to preserve a perpetual supply of timber for home industries, to prevent destruction of the forest cover which regulates the flow of streams, and to protect local residents from unfair competition in the use of forest and range. They are patrolled and protected at Government expense for the benefit of the community and the home builder.

We know that the welfare of every community is dependent upon a cheap and plentiful supply of timber; that a forest cover is the most effective means of maintaining a regular stream flow for irrigation and other useful purposes, and that the permanence of the livestock industry depends upon the conservative use of the range. The injury to all persons and industries which results from the destruction of forests by fire and careless use is a matter of history in older countries, and has long been the cause of anxiety in the United States. The protection of the forest resources still existing is a matter of urgent local and national importance. This is shown by the exhaustion of lumbering centers, often leaving behind desolation and depression in busi-

ness; the vast public and private losses through unnecessary forest fires; the increasing use of lumber per capita by a rapidly increasing population; the decrease in the summer flow of streams just as they become indispensable to manufacture or irrigation; and the serious decrease in the carrying capacity of the summer range. It can not be doubted that, as President Roosevelt has said, "the forest problem is in many ways the most vital internal problem of the United States."

As early as 1799, and again in 1817, Congress provided for the purchase of timber lands to supply the needs of the Navy. Other acts from time to time made similar provisions for setting apart forest land for specific purposes, but the first attempt to secure a comprehensive administration of the forests on the public domain was in 1871, by a bill introduced in the Forty-second Congress, which failed of passage.

In 1876, \$2,000 was appropriated to employ a competent man to investigate timber conditions in the United States, and on June 30, 1886, an act was approved creating a Division of Forestry in the Department of Agriculture. On July 1, 1901, this division became the Bureau of Forestry (now the Forest Service, since the act of March 3, 1905), employing practically all the trained foresters in the United States, and engaged in almost every branch of forest work in every State and Territory except the actual administration of the Government forest lands, which remained in the Department of the Interior.

In the meantime, with the increasing realization that the Nation's timber supply must be protected, and with

the immense growth of irrigation interests in the West, the necessity for retaining permanent Federal control over selected forest areas was recognized by a brief section inserted in the act of March 3, 1891, which authorized the President to establish forest reserves, now called National Forests. The first exercise of this power was in the creation of the Yellowstone Park Timber Land Reserve, proclaimed by President Harrison March 30, 1891.

The mere creation of National Forests, however, without provision for their administration, was both ineffectual and annoying to local interests dependent upon their resources. Consequently, the Secretary of the Interior, in 1896, requested the National Academy of Sciences to recommend a National forest policy. This resulted in the passage of the act of June 4, 1897, under which, with several subsequent amendments, National Forests are now administered.

On the theory that the management of land, not of forests, was chiefly involved, this law gave the Secretary of the Interior authority over the Forests and provided that their surveying, mapping, and general classification should be done by the United States Geological Survey, and the execution of administrative work by the General Land Office.

But the technical and complex problems arising from the necessary use of forest and range soon demanded the introduction of scientific methods and a technically trained force, which could not be provided under the existing system. The advice and services of the Bureau of Forestry were found necessary, but, under the law,

could be but imperfectly utilized. The necessity of consolidating the various branches of Government forest work became apparent and was urged upon Congress by the President and all the executive officers concerned. Finally, the act of February 1, 1905, transferred to the Secretary of Agriculture entire jurisdiction over the National Forests, except in matters of surveying and passage of title.

The regulations and instructions for the use of the National Forests here published are in accordance with the act last mentioned and the various supplementary and amendatory laws passed since June 4, 1897. They are based upon the following general policy laid down for the Forest Service by the Secretary of Agriculture in his letter to the Forester dated February 1, 1905:

“In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people, and not for the temporary benefit of individuals or companies. All the resources of forest reserves are for *use*, and this use must be brought about in a thoroughly prompt and businesslike manner, under such restrictions only as will insure the permanence of these resources. The vital importance of forest reserves to the great industries of the Western States will be largely increased in the near future by the continued steady advance in settlement and development. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this Department for their protection and use will invariably be guided by this fact, always bearing in

mind that the *conservative use* of these resources in no way conflicts with their permanent value."

"You will see to it that the water, wood, and forage of the reserves are conserved and wisely used for the benefit of the home builder first of all, upon whom depends the best permanent use of lands and resources alike. The continued prosperity of the agricultural, lumbering, mining, and live-stock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon the present and future use of these resources under businesslike regulations, enforced with promptness, effectiveness, and common sense. In the management of each reserve local questions will be decided upon local grounds; the dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice, and where conflicting interests must be reconciled the question will always be decided from the standpoint of the greatest good of the greatest number in the long run."

Any regulation or instruction whose enforcement would not secure the objects for which National Forests are created should be brought to the attention of the Forester.

CREATION OF NATIONAL FORESTS—ADDITIONS AND ELIMINATIONS.

The act of March 3, 1891, provides that the President may set aside, by proclamation, in any public land State or Territory, lands wholly or in part covered

with timber or undergrowth, as public reservations. Under the authority of this act practically all of the existing National Forests have been created. Congress may, however, take such action, and has done so in a few cases. In an amendment to the agricultural appropriation bill approved March 4, 1907, it is provided that "hereafter no forest reserve shall be created, nor shall any addition be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming except by act of Congress." The power of the President to create or enlarge National Forests in other States and in the Territories is unimpaired.

The boundaries of the earlier Forests were not always carefully drawn. In 1903 the need of better choice of Forest boundaries led to the establishment of a force of trained men devoted exclusively to this work, under a uniform and complete system of field study and report. The results were satisfactory, and the system remains in effect. Before any National Forest is created or any change is made in the boundary of an existing Forest, a member of the Forest Service familiar with the work and with western conditions makes a careful investigation, not only of the lands, but also of the interests involved. The claims of all industries and classes of residents are weighed, in order that no injustice may be done.

The region is carefully mapped and described, and the boundary of the Forest is drawn to include only lands suitable for Forest purposes. Possible agricultural areas are always excluded unless they are small and isolated.

In some cases areas temporarily withdrawn from entry, pending examination, contain land unsuitable for Forest purposes, and their withdrawal is viewed with alarm by local residents. It should be remembered that such withdrawals are not final and that unsuitable portions will be restored to the public domain.

All communications relating to the creation of National Forests or to changes in their boundaries should be addressed to The Forester, Forest Service, Washington, D. C.

THE FOREST SERVICE UPON NATIONAL FORESTS.

RELATION OF FOREST OFFICERS TO THE PUBLIC.

Forest officers are agents of the people. They must answer all inquiries fully and cheerfully, and be at least as prompt and courteous in the conduct of Forest business as in private business. They must obey instructions and enforce the regulations for the protection of the Forests without fear or favor, and must not allow personal or temporary interests to weigh against the permanent good of the Forests; but it is no less their duty to encourage and assist legitimate enterprises.

They must make every effort to prevent the misunderstanding and violation of Forest regulations by giving information fully and freely. The object should be to prevent mistakes rather than to take action after they have been made. Information should be given tactfully, by advice, and not by offensive warnings.

The excessive use of intoxicants by members of the Forest Service is a bar to their efficiency, and will be

dealt with as such. Even moderate drinking can do the Service no good, and in not a few cases has done harm. It is not competent for the Forest Service to require total abstinence. It does, however, strongly discountenance drinking by men upon official duty, and it will take the necessary action whenever the dignity of a man's office or the effectiveness of his work is reduced thereby. There is no more effective way in which officers of the Service can strengthen this order than by their own example. Members of the Forest Service are urged to keep in mind that they are officers of the Government, and that the honor of the Service is at stake in the faithful performance of their duties.

Forest officers will be required to be thoroughly familiar with every part of this book, and to assist the public in making applications for the use of the Forests.

ORGANIZATION.

The permanent field force of the National Forests now contains the grades of chief inspector, inspector, forest supervisor, deputy forest supervisor, forest assistant, planting assistant, lumberman, scaler, forest ranger, and forest guard.

GENERAL QUALIFICATIONS AND DUTIES.

INSPECTORS.

Inspectors are appointed only from those who by their qualifications, training, and experience have gained great familiarity with Forest problems and unusual efficiency in the conduct of Forest business.

The inspector advises with all Forest officers and has free access to all official books, reports, or other records. He may call upon any supervisor for all necessary assistance, but he has no authority to give orders to any supervisor, or to any ranger, except one detailed by a supervisor to assist him.

His duties are to inspect the Forests in his district, see and report on existing conditions, and recommend changes for the better in both the business and technical management, and in personnel. He also assists the local officers, by suggestion and advice, in all Forest matters.

SUPERVISORS.

For the purpose of encouraging good men to enter the Service and do good work, as well as to utilize their experience, appointments to the position of forest supervisor are made by the promotion of competent deputy forest supervisors, forest rangers, or forest assistants. The qualifications for the position of supervisor include all those required of rangers, as hereafter outlined, with superior technical, business, and administrative ability. Knowledge of technical forestry is most desirable, but not always essential.

While certain general qualifications are required in every case, special fitness for employment in a special region is always considered. For example, in many heavily forested regions knowledge of timber and lumbering is more important than familiarity with the live-stock business.

DEPUTY SUPERVISORS.

Deputy supervisors may be appointed on Forests whose area or business warrants their assignment. The position requires the same qualifications as that of supervisor, and is filled by transfer or promotion from the other grades. The deputy supervisor will alternate with the supervisor in the office and in the field and will perform the duties of the supervisor in his absence. He may be given charge of all field work in a certain district, or over only one line of work, such as grazing or timber sales.

FOREST ASSISTANTS.

The position of forest assistant requires technical qualifications of high order, and is secured only through an examination which no man may expect to pass unless he has been thoroughly trained in forestry and lumbering. Forest assistants may be assigned to any part of the United States, and must be competent to handle technical lines of work, such as the preparation of working plans and planting plans, the investigation of the silvics and uses of commercial trees, the study of wood preservation, and other investigations requiring a trained forester. They may be assigned to National Forests to assist in technical work, such as the examination and mapping of forest areas and reports on applications for the purchase of timber; in the marking, scaling, and management of timber sales; the survey of boundaries; the examination of agricultural lands under the act of June 11, 1906; nursery work and forest planting; examination of special uses, and other lines of work which require technical training. They

will not be assigned exclusively to technical work, but should be given an opportunity to become thoroughly familiar with every feature of Forest business. The forest assistant is placed directly under the supervisor, who directs his work and to whom he submits his reports.

LUMBERMEN.

Lumbermen are appointed after civil-service examination, to pass which requires much previous experience in woods work and a high degree of proficiency in cruising, logging, and milling. A thorough knowledge of scaling methods is absolutely necessary.

SCALERS.

Scalers are appointed after civil-service examination, to pass which requires much previous experience in scaling and woods work.

PLANTING ASSISTANTS.

The position of planting assistant requires special training in nursery and planting work. Planting assistants work under the direction of the supervisor. Their duties include the preparation of seed beds, seed sowing, transplanting and care of seedlings, and field planting. The planting assistant may be assigned to the regular duties of a ranger during the winter when nursery work is suspended.

RANGERS.

A ranger of any grade must be thoroughly sound and able-bodied, capable of enduring hardships and of performing severe labor under trying conditions. He must be able to take care of himself and his horses in

regions remote from settlement and supplies. He must be able to build trails and cabins, ride, pack, and deal tactfully with all classes of people. He must know something of land surveying, estimating and scaling timber, logging, land laws, mining, and the live-stock business.

On some Forests the ranger must be a specialist in one or more of these lines of work. Thorough familiarity with the region in which he seeks employment, including its geography and its forest and industrial conditions, is usually demanded, although lack of this may be supplied by experience in similar regions.

The examination of applicants is along the practical lines indicated above, and actual demonstration, by performance, is required. Invalids seeking light out-of-door employment need not apply. Experience, not book education, is sought, although ability to make simple maps and write intelligent reports upon ordinary Forest business is essential.

For duty in some parts of Arizona and New Mexico the ranger must know enough Spanish to conduct Forest business with Mexicans.

Where saddle horses or pack horses are necessary in the performance of their duty, rangers are required to own and maintain them. The Forest Service furnishes no personal or horse equipment.

The entire time of rangers must be given to the Service. Engagement in any other occupation or employment is not permitted, except in accordance with Regulation 74.

Rangers execute the work of the National Forests under the direction of supervisors. Their duties include patrol to prevent fire and trespass, estimating, surveying, and marking timber, the supervision of cuttings, and similar work. They issue minor permits, build cabins and trails, oversee grazing business, investigate claims, report on applications, and report upon and arrest for violation of Forest laws and regulations.

It is the policy to fill vacancies in higher positions by promotion of rangers rather than by appointment of men without experience on the National Forests, although otherwise well fitted.

FOREST GUARDS.

Forest guards are temporary employees whose duties are the same as those of assistant forest rangers. They may be appointed when additional men are required for temporary patrol and protective work, or when it is impossible to get rangers from the list of eligibles furnished by the Civil Service Commission.

In all cases application for employment as forest guard should be made to the supervisor. Preference in the appointment of guards will always be given to local residents, especially those who desire to take the civil-service examination for forest ranger.

REG. 1. The promotion of Forest officers will be considered only once a year, and all promotions for the year will be made on January 1, except in cases of transfer or reassignment.

EXAMINATIONS.

In accordance with the law which requires the selection of rangers and supervisors, when practicable, from

the States and Territories in which they are to be employed, and the President's order placing them in the classified civil service, examinations for the position of assistant forest ranger are held, as required, in each State and Territory in which National Forests are situated.

Examinations for the position of forest ranger are along thoroughly practical lines, and are supplemented by field tests to determine the applicant's fitness to do the actual work on the Forest. The Civil Service Commission appoints Forest officers to conduct these examinations.

REG. 2. Only legal residents of States or Territories in which appointments are to be made, and who are between the ages of 21 and 40, are eligible for the ranger examinations. This qualification will not be waived under any circumstances.

Applicants are examined as to fitness for positions in the State or Territory of which they are legal residents. An applicant may, however, take the examination at any place which is most convenient, even though it may not be in the State of which he is a legal resident.

The restriction as to residence is not imposed upon applicants for the forest assistant examination, for which the age limits are 20 and 40 years.

Information as to the times and places at which examinations will be held, and the steps necessary to secure admission, may be obtained only from the United States Civil Service Commission, Washington, D. C.

SPECIAL STUDIES UPON NATIONAL FORESTS.

It is the active policy of the Forest Service to manage the National Forests upon a sound technical, as well as business, basis. Improvement in the standard of the technical management alone can secure steady and constant increase in returns without depleting the Forests. To this end careful investigation is essential. This includes special study of the habits and requirements of trees as a basis for the regulation of cutting of every kind. Special attention will be given to finding new uses for species at present valueless or little used, as well as for the trees already classed as commercial. Studies will be made of damage by fire and the best means of preventing it, and, in cooperation with the Bureau of Entomology and the Bureau of Plant Industry, of the prevention and control of insect ravages and tree diseases. In these and in many other ways the basis of knowledge necessary for the best forest work will be laid.

To sum up, the National Forests will be studied with reference to their best use for every purpose. These studies will not be limited to the present applications for the use of the Forests. They will aim to develop wider uses, as well as to meet the present demand in the most satisfactory way.

PROTECTION OF CITY WATER SUPPLIES.

The Forest Service aims to improve and protect the forest cover of watersheds within National Forests on which adjacent cities and towns are dependent for their water supply. If the authorities of any town or city

have determined by investigation that the decrease of the water supply is caused by overgrazing, excessive cutting, or fire, they are invited to apply to the Forest Service for assistance after consulting with the supervisor.

CREATION OF NATIONAL MONUMENTS.

Under the act approved June 8, 1906, the President is authorized to declare, by public proclamation, historic landmarks, historic and prehistoric structures, and other objects of historic and scientific interest as National monuments.

Forest officers should report to the Forester the location and description of all objects of great scientific or historic interest, which they find upon National Forests, that may be set aside as National monuments.

CLAIMS.

IN GENERAL.

A valid claim is one initiated in good faith under some act of Congress and continued by use consistent with the character of the claim and necessary for its actual development. The Forest Service will endeavor to protect valid claims within National Forests and make the Forests contribute to their development.

The determination of questions involving title to unperfected valid claims to lands in National Forests are entirely within the jurisdiction of the Secretary of the Interior.

No claims can be initiated upon lands within National Forests, nor upon lands withdrawn for National Forests, except under the mining laws, and under the homestead law in accordance with the forest homestead act of June 11, 1906, and the National Forest regulations thereunder.

REG. 3. Persons having valid claims under the public land laws or legal titles to lands within National Forests are free to occupy and enjoy their holdings, but must not interfere with the purposes for which the Forests are created, and must not cut timber or make use of National Forest land without a permit, except within the limits and for the actual development of their claims. Any other use is forbidden.

REG. 4. The supervisor may, within six months from the cancellation or abandonment of any claim to land in a National Forest, permit the claimant to remove his improvements, if such removal will not injure National Forest interests.

HOMESTEAD CLAIMS.

Homestead claimants are required to live upon and to cultivate in good faith the land embraced in their claims. The Department of the Interior excuses temporary absences of bona fide claimants, when necessary to earn money for support or to improve the land, or because of sickness. The land embraced in the entry must be used for the home of the claimant to the exclusion of a home elsewhere. Personal visits to the land to keep alive the fiction of residence, the use of the land as a summer residence only, or a mere pretense of culti-

vation does not satisfy the law. Lands may not be appropriated and patented under the homestead laws if entrymen use them merely for grazing headquarters during a few weeks or months each year and maintain their homes elsewhere.

REG. 5. Squatters who settled on National Forest land before its withdrawal, and who are awaiting survey to make entry, have the same rights to occupy and enjoy their holdings as homestead entrymen, and may at their option await survey or apply for the examination of their lands under the act of June 11, 1906, with a view to opening them to homestead entry.

FOREST HOMESTEAD ACT.

The act of June 11, 1906, authorizes the Secretary of Agriculture, in his discretion, to examine or ascertain, upon application or otherwise, what lands, both surveyed and unsurveyed, in National Forests are chiefly valuable for agriculture and may be occupied for agricultural purposes without injury to the National Forests, if not needed for public purposes. The act authorizes the Secretary of Agriculture to file lists of such lands with the Secretary of the Interior, who will then declare the lands open to entry under the homestead law.

The act does not apply to certain counties in southern California. In parts of certain counties in South Dakota only land which was settled upon before January 1, 1906, can be opened under the act.

All applications for the listing of lands under the

act of June 11, 1906, must be signed by the person who desires to make entry, and must be mailed to the Forster, Washington, D. C.

The person upon whose application the land is listed has the preference right of entry, unless there was a settler on the land prior to January 1, 1906, in which event the settler has the preference right.

Persons having preference rights under the act may file their entries at any time within sixty days after the filing of the list in the local land office. If they do not make entry within that time, the land will be subject to entry by the first qualified person to make application at the local land office.

All applications must give the name of the National Forest and describe the land by legal subdivisions, section, township, and range, if surveyed, and if not surveyed, by reference to natural objects, streams, or improvements, with sufficient accuracy to identify it.

Section 2 of the act gives, within National Forests only, an additional homestead right of entry upon lands chiefly valuable for agriculture, to settlers prior to January 1, 1906, who have already exercised or lost their homestead privilege, but who are otherwise competent to enter under the homestead laws. The general act of February 8, 1908, provides that any person who, prior to February 8, 1908, made entry under the homestead laws, but for any cause has lost, forfeited, or abandoned his entry, shall be entitled to the benefits of the homestead law as though such former entry had not been made, except when the entry was canceled for fraud or was relinquished for a valuable consideration.

The fact that an applicant has settled upon land will not influence the decision with respect to its agricultural character. Settlers must not expect to include valuable timber land in their entries. Settlement made after January 1, 1906, and in advance of opening by the Secretary of the Interior, is not authorized by the act, will confer no rights, and will be trespass.

Entry under the act is within the jurisdiction of the Secretary of the Interior, who will determine preference rights of applicants.

Applicants who appear to have a preference right under the act of June 11, 1906, will be permitted to occupy so much of the land applied for by them as, in the opinion of the forest supervisor, is chiefly valuable for agriculture.

DESERT-LAND CLAIMS.

Valid claims under the desert-land act (19 Stat., 377, and 26 Stat., 1095) within National Forests may be perfected in accordance with the terms of that act. The entryman must be a resident of the State in which the land is situated, and the entry must not embrace more than 320 acres, nor include timber or mineral land, but must be of lands which will not, without artificial irrigation, produce some agricultural crop. Final proof must be made within four years from the date of entry. On final proof, the entryman must show that he has an absolute right to sufficient water to permanently irrigate the land; that the system of ditches

to conduct the water to and distribute it over the land is adequate for that purpose; that the land has actually been irrigated for a sufficient period of time to demonstrate the sufficiency of the water supply and the effectiveness of the system, and that at least one-eighth of the land has been cultivated. Actual tillage must as a rule be shown. Desert-land claimants are required to expend upon their claims at least \$3 per acre—\$1 per acre each year for three years—and must file proof of such expenditures. Failure to file such proof is cause for cancellation of the entry.

TIMBER AND STONE CLAIMS.

Valid claims under the timber and stone act (20 Stat., 89, and 27 Stat., 348) within National Forests may be perfected under the terms of that act. Only one entry can be made by any person or association. Not more than 160 acres can be covered by any entry, and the land entered must be in one body.

A timber and stone entry is initiated by filing in the local land office an affidavit by the applicant that he has made no prior application under the act; that the land is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited and contains no mining or other improvements, except for ditch or canal purposes (if any exist), save such as were made by or belong to the applicant; that the land is nonmineral; that the application is not made on speculation, but in good faith to secure the land for the exclusive use and

benefit of the applicant; that he has not, directly or indirectly, made any agreement or contract by which the title shall inure in whole or in part to the benefit of any other person.

The applicant must have been upon and examined each legal subdivision of the land covered by his entry, and the sworn statement must be made upon his personal knowledge, except in so far as the statute provides that the affidavit may be made on information and belief.

An applicant making false affidavit is guilty of perjury. He will be punished as provided by law for such offense, and all conveyances of the land, or of any right, title, or claim thereto are absolutely null and void as against the United States.

Forest officers will direct their examination of timber and stone claims to the truth of the allegations in the sworn statements.

MINING CLAIMS.

Mineral lands within National Forests may be freely prospected, located, developed, and patented in accordance with the mining laws and National Forest regulations.

Any recognized mineral substance, if found in sufficient quantity, will warrant entry under the mining laws—for example, building stone, china or fire clay, coal, limestone, oil, slate, etc., but not brick clay, sand, or gravel.

It is the policy of the Government to favor the development of mines of gold and silver and other metals,

and every facility is afforded for that purpose; but it requires faithful compliance with the conditions stipulated. There must be a valid discovery of mineral and a sufficient exploration of the ground to show it beyond question.

When application for patent is made it must appear that the land contains enough mineral to warrant its disposal under the mining laws. The character of the land is the primary question in determining whether a mining claim is valid. If the applicant has had ample time and opportunity to show by exploration and development whether valuable mineral deposits exist on the land, and has not done so, his location can not be held to be a valid mining claim.

Lands can not lawfully be located or title thereto legally acquired by patent under the mining laws for purposes or uses foreign to mining or the development of mineral.

The locator of a mining claim has a right to use sufficient timber to develop his claim. Timber, however, can not be cut from one claim to be used on another of the same group unless its use develops the claim from which it is cut, as well as the one where it is used. Timber from one group of mining claims can not be used to develop another noncontiguous and separate group of mining claims, although they are owned in common. A mining claimant has no right to cut and remove timber from his claim merely for sale or other commercial purpose.

TOWN SITES.

Lands in National Forests embraced in valid town-site settlements made before the creation of the Forest may, unless abandoned, be entered and patented under the town-site laws, without regard to the period which has elapsed after their settlement or after the establishment of the Forest, and without any necessity to eliminate the town-site area from the Forest.

Where it is desired to originate and establish a town site on lands within a National Forest, if a petition addressed to the Forester and an investigation made under his direction show that it is necessary and advisable to use such lands for town-site purposes, an Executive order to exclude the land may be issued, in which case provision will be made for its entry under the town-site laws and the regulations of the Department of the Interior.

STATE LANDS.

In general, grants to States and Territories for school purposes apply to sections 16 and 36 (nonmineral), if these sections were identified by survey before they were withdrawn for National Forest purposes. If the withdrawal precedes such identification, the State or Territory loses its right to these sections, and may select unreserved nonmineral lands in lieu of them. In the States of North Dakota, South Dakota, Montana, Washington, Idaho, and Wyoming, however, nonmineral sections 16 and 36 (and in Utah 2, 16, 32, and 36) belong to the State whenever they are identified by survey, notwithstanding their prior withdrawal for National Forest purposes.

All States and Territories alike may make indemnity selection of unreserved public lands in lieu of school sections included within a National Forest, whether the title of the State has or has not been perfected by the survey of the school sections.

The removal of timber from unsurveyed lands within a National Forest without permit is trespass, and will be promptly reported in all cases, notwithstanding the fact that after survey such lands may turn out to be State or railroad sections.

RAILROAD LANDS.

A railroad does not acquire title to nor the right to use, lease, or sell land within the primary limits of its grant before Government survey, nor within its indemnity limits before Government survey and approval of selection. When the plats and field notes of survey show land in National Forests to be mineral in character, use, lease, or sale by a railroad will not be allowed, unless its selection of such land has been approved by the Department of the Interior.

ADMINISTRATIVE SITES.

Public lands within National Forests, and, where necessary, outside them, may be withdrawn from all forms of entry, for administrative uses.

Lands needed for supervisors' and rangers' headquarters, gardens, or pastures, for planting stations, reservoir sites, rights of way, or other administrative uses, should be selected, so far as possible, from nonmineral, unclaimed lands, and will be specially reserved from

any form of location or entry. Supervisors should recommend sufficient reservations to meet the future as well as the present needs of the Service. The act of August 30, 1890, reserved rights of way for ditches and canals constructed by authority of the United States over all lands to be entered thereafter under any of the laws of the United States.

USES.

JURISDICTION OF THE DEPARTMENT OF AGRICULTURE.

The Secretary of Agriculture has entire jurisdiction over National Forests, except in matters of surveying and title. He can not convey any kind or degree of title to the land itself. He has authority to grant permits for the occupancy of lands and the use of resources of National Forests.

All applications for permits should be filed with the supervisors. They may be granted under the provisions of the act of June 4, 1897, which authorizes the Secretary of Agriculture to regulate the occupancy and use of National Forests, or under the act of February 15, 1901, which authorizes him to permit the use of rights of way in National Forests.

JURISDICTION OF THE DEPARTMENT OF THE INTERIOR.

The Secretary of the Interior has entire jurisdiction in matters affecting the passage of title to lands in National Forests. Therefore he alone has authority to approve maps of location filed under the several laws which grant rights of way amounting to easements affecting the title to the lands.

PERMITS.

REG. 6. Permits are necessary for all occupancy, uses, operations, or enterprises of any kind within National Forests, whether begun before or after the National Forest was established, except: (a) Upon patented lands; (b) upon valid claims for purposes necessary to their actual development and consistent with their character; (c) upon rights of way amounting to easements for the purposes named in the grants; (d) prospecting for minerals, transient camping, hunting, fishing, and surveying for lawful projects.

REG. 7. Permits for the use of the National Forests, unless otherwise specifically fixed by regulation, may be granted by the Forester for any term consistent with National Forest interests. The Forester may also make a reasonable charge for any permit, right, or use.

Preference in the use of National Forest lands and resources will be given to local residents.

REG. 8. Permits are not assignable, and abandonment in favor of another necessitates new application and permit. In case of abandonment and issuance of new permit, the original permittee may sell his improvements to the new permittee, and any payments made by him may apply on the new permit, in the discretion of the Forester.

REG. 9. Occupancy under permit secures no right or claim against the United States, either to the land or to any improvements upon it, beyond the uses conferred by the permit. Improvements made by the permittee, except fences, may not be removed except with the written consent of the supervisor.

SPECIAL USES.

All uses of National Forest lands and resources, except those which relate to timber and grazing, are known as "special uses."

The following are some of the purposes for which special-use permits are issued: Residences, farms, pastures, drift fences, corrals, apiaries, dairies, schools, churches, roads, trails, telephone and telegraph lines, stores, mills, factories, hotels, stage stations, sanitariums, camps, summer resorts, wharves, miners' and prospectors' cabins, windmills, dipping vats, tanks, dams, reservoirs, water conduits of all kinds, power houses, power transmission lines, aerial tramways and cable conveyors, railroads, tramroads, and the purchase of sand, stone, clay, gravel, hay, and other National Forest products except timber.

REG. 10. The Forester and such officers as he may designate may issue, extend, or renew permits for special uses within National Forests, with such conditions as to area, time, and requirements as they may deem best, and they may make reasonable charges for such permits. The Forester alone may revoke special-use permits.

LANDS WITHDRAWN FOR ADMINISTRATIVE PURPOSES.

Land withdrawn or to be withdrawn for administrative purposes may be used under special-use permits, as any other National Forest lands, so long as the special use does not prevent or interfere with the administrative use. Land to be used for ranger stations may be occupied under special-use permits until such time as the Forest Service may need it, and the special use may

•continue jointly with the administrative use if that is found to be practicable. When a special-use permit is issued for land which the supervisor knows will later be needed exclusively for administrative purposes, the permittee must be notified.

FREE PERMITS.

No charge is made for the following classes of special-use permits: Agricultural use by applicants having preference right under act of June 11, 1906, cemeteries, churches, corrals, dipping vats where no toll is charged, drift fences, irrigation conduits and reservoirs, miners' and prospectors' cabins, miners' ditches, etc., used exclusively by actual miners for mining purposes, municipal water plants applied for by municipalities, roads and trails (which must be free public highways), schools, sawmills sawing timber obtained from the National Forests, telephone lines (with free use and free connection by Forest Service).

PAYMENT FOR SPECIAL USES.

The charge for permits is based chiefly upon the value of that which is actually furnished to the permittee by the Forest Service, including advantageous location and other indirect benefits, and not directly upon the profits or the magnitude of the business which is to be carried on. Applicants should not send any payments to the Fiscal Agent until a form letter of transmittal is furnished by a Forest officer to accompany the remittance.

SPECULATIVE APPLICATIONS.

The policy of the Forest Service is to prevent applicants from securing and holding valuable permits as speculative ventures, awaiting either the development of the country to make them more valuable or until financial assistance to carry them out can be secured. To avoid this speculative feature, applicants must, before a permit is issued, make all required payments and agree that any necessary construction work will commence within some definitely stated time; that the work will be completed within a certain period, and that beneficial use of the permit will be made for at least a certain stated period each year. Such time is to be reckoned from the date the permit is issued. The Forester and Forest officers will therefore, in recommending the time for commencement and completion of construction, take into consideration the physical conditions, such as climate, facilities for transportation, availability of laborers and materials, etc.

After any permit has been granted, the Forest officer should carefully note whether the time limitations for beginning and completing construction and enjoying the special uses are observed by the permittee. They should promptly inform the Forester of any breach of the agreement in these particulars, and, unless permittees can show good reason for failure to comply with their agreements, the permits will be revoked.

EMERGENCY USES.

REG. 11. National Forest material may be taken without previous permit in serious emergencies for the protec-

tion of life or property, provided a permit for the material so used and for the special use involved is secured at the earliest opportunity.

SCHOOLS AND CHURCHES.

The use of tracts not larger than 2 acres for a school and 1 acre for a church is specifically provided for by law, subject to regulation by the Department and any other disposition of the land by the Government. Timber for the construction of church and school buildings may be secured under the free-use regulations. (Reg. 47.)

CULTIVATION OF AGRICULTURAL LAND.

The occupancy and cultivation of agricultural land in National Forests will be allowed, though no permit should cover more than 160 acres.

All persons, including trespassers, who settled before January 1, 1906, and have not abandoned their claims, may, if qualified, take advantage of the act of June 11, 1906, and in the meantime may occupy and enjoy their holdings without permit. Other applicants under the act of June 11, 1906, who appear to have the preference right of entry under that act, may secure without charge a permit for the agricultural use of so much of the land applied for as, in the opinion of the supervisor, is chiefly valuable for agriculture, provided that the land is not adversely claimed under settlement made before its withdrawal, or after its withdrawal and before January 1, 1906. Applications for listing will not be affected by such permits.

ROADS AND TRAILS.

REG. 12. No permit is necessary for the construction of wagon roads by States or counties over National Forest lands. Forest officers will confer and cooperate with the authorities in charge of the construction of such roads as to the disposal of refuse and other safeguards to prevent injury to the National Forests. With this exception, permits are necessary for the construction of all wagon roads over National Forest lands. Trails may be constructed over National Forest lands with the consent and under the supervision of a Forest officer. Permission to construct roads and trails over National Forest lands will not give any right to exclusive use, or to charge toll, or against future disposal of the land by the United States.

REG. 13. The supervisor may, in his discretion, permit to any road district, county, person, or corporation the free use of timber, stone, sand, gravel, and other National Forest products for the construction, maintenance, or repair of roads or trails within National Forests, without prejudice to any free-use application they may make in the same year for material for other purposes, when such roads or trails are of sufficient public benefit to justify the free use.

REG. 14. Applicants for wagon road or trail construction who are not entitled under Reg. 12 to free-use permit must pay for all merchantable timber cut or destroyed within the right of way, under timber-settlement regulations; or, if National Forest timber outside the right of way is required for construction or repair, under timber-sale regulations.

REG. 15. A county road established prior to the creation of a National Forest may be changed, widened, or

repaired by the county authorities without permit, if the operations are within the right of way fixed for such roads by the State law.

TELEPHONE LINES ON COUNTY ROADS THROUGH NATIONAL FORESTS.

Special-use permits are necessary for all telephone lines along county roads through National Forest lands. Congress granted rights of way over the public land for highways. (U. S. Rev. Stat., sec. 2477.) By that grant the lands of the United States were subjected to the servitude of a highway for the benefit of the county. Telephone companies must, of course, secure the consent of the county authorities for the construction of these lines, but the county's title and interest is only that of a right of way, while the fee in the land remains in the owners of the lands adjoining the road.

A telephone line on a county road through National Forest lands can be operated lawfully only under permission from the Forest Service, notwithstanding any permission from the county. It has been generally settled by the courts that telephone lines, when constructed along a highway, are an additional servitude, and that the owners of abutting land can require compensation for damages through the construction of such telephone lines. The State legislature can empower a county to impose such an additional servitude upon private lands, provided reasonable compensation is paid, but it can give no authority to impose it on the lands of the United States.

POWER PLANTS.

A commercial power plant is one for the generation of electrical energy for sale.

All supervisors' permits for noncommercial power plants must specifically provide that if any of the power developed under the permit is sold, the permit shall thereupon be subject to modification in the discretion of the Forester.

REG. 16. Applications for special-use permits for commercial power plants shall consist of maps in duplicate, on tracing linen, showing the project as surveyed, and field notes in duplicate. Both maps and field notes must be verified by the surveyor's certificate under oath. If the use of water is involved, the applications must be accompanied by certified evidence, in duplicate, of water right or appropriation under the local laws. All such applications by corporations must be accompanied by duly certified copies of the companies' articles of incorporation, in duplicate, unless such evidence has already been filed with the Forester.

REG. 17. If any person shall make a false surveyor's certificate under Reg. 16, the Forester will order that no map or field notes made by such person shall be received or filed.

REG. 18. If any applicant shall offer or file any map or field notes bearing a false surveyor's certificate or oath, knowing the same to be false, the Forester will order that no application shall be received from, and no sale, permit, or use shall be granted to such applicant while the order stands.

REG. 19. The following acts within National Forests are hereby forbidden:

(a) Squatting upon land within a Forest, or making settlement, except in accordance with the act of June 11, 1906.

(b) Building roads, trails, railways, or tramways, and constructing ditches, dams, canals, pipe lines, flumes, tunnels, or reservoirs without a permit, or in violation of the terms of a permit, except as otherwise allowed by law, and except upon patented land, or upon a valid claim when necessary for the actual development of such claim consistent with the purposes for which it was initiated.

(c) Erecting or conducting telephone, telegraph, or power lines, hotels, stores, sawmills, power plants, or other structures, or manufacturing or business enterprises, or carrying on any kind of work, except as allowed by law and National Forest regulations, and except upon patented land or upon a valid claim for the actual development of such claim, consistent with the purposes for which it was initiated.

Appropriating, excavating, injuring, or destroying any historic or prehistoric ruin or monument, or any object of antiquity without a permit is prohibited by specific act of Congress.

GAME AND FISH PRESERVES.

The Forest Service will not issue any permit for game or fish preserves, or any permit which would result in preventing or restricting lawful hunting and fishing in National Forests.

RIGHTS OF WAY AMOUNTING TO EASEMENTS.

Maps of location, or applications under the several laws granting rights of way amounting to easements affecting the title to the lands, must be filed in the proper local land office of the Department of the In-

terior and not with any Forest officer. The laws granting rights of way are:

The act of March 3, 1875, as extended to National Forests by the act of March 3, 1899, granting rights of way to railroad companies for railroads. The act of March 3, 1891, granting rights of way across the public lands and National Forests for irrigation reservoirs and canals. Section 4 of the act of February 1, 1905, granting rights of way for reservoirs, conduits, and water plants for municipal and mining purposes.

All maps for approval under these grants must be filed in the proper local land offices of the Department of the Interior.

REG. 20. Whenever a right of way under the jurisdiction of the Secretary of the Interior is located upon a National Forest, the Forester may, in his discretion, before making recommendation that it be approved, require the applicant to execute such stipulation and bond as he may deem necessary for the protection of National Forest interests.

Such stipulations may include clearing right of way; disposal of refuse; payment, under timber settlement regulations, for all merchantable timber cut or destroyed; necessary precautions against fires by the use of oil as fuel, etc., and any other conditions needed to protect National Forest interests.

Particular attention is called to the fact that the laws above mentioned granting rights of way amounting to easements for railroads, irrigation reservoirs and canals, and reservoirs, canals, and water plants for mining and municipal purposes, do not in any way prevent or interfere with the securing of special-use per-

mits for these purposes from the Forest Service, although such permits do not, of course, convey any easement running with the land. The issuance of a special-use permit for any of the purposes named will not in any way prevent the permittee from filing a map of location for approval and record by the Secretary of the Interior under the right-of-way grant.

ADMINISTRATIVE USE OF TIMBER.

REG. 21. The Forester may, with as little expense to the Government as possible, dispose of any timber upon the National Forests, by sale or otherwise, when such disposal is actually necessary to protect the Forest from ravages or destruction, or when the timber is necessary for use in improvements to the National Forests or in experiments conducted by the Forest Service.

Timber may be disposed of under this regulation to remove an actual menace from insects, disease, or other sources.

FREE USE OF TIMBER AND STONE.

The law gives the Secretary of Agriculture authority to allow the free use of timber and stone on National Forests, under such regulations as he may prescribe, by "bona fide settlers, miners, residents, and prospectors for minerals, and for firewood, fencing, building, mining, prospecting, and other domestic purposes as may be needed by such persons for such purposes.

REG. 22. Free-use permits may be granted to settlers, farmers, prospectors, or similar persons who may not reasonably be required to purchase, and who have not on

their own lands or claims, or on lands controlled by them, a sufficient or practicably accessible supply of material suitable for the purposes named in the law. They may also be granted to school and road districts, churches, or cooperative organizations of settlers desiring to construct roads, ditches, reservoirs, or similar improvements for mutual or public benefit. Free use of material to be used in any business will be refused, as, for example, to sawmill proprietors, owners of large establishments or commercial enterprises, companies, and corporations. No trespasser is entitled to free use. Green saw timber will not be granted to any applicant who does not do his own logging, unless he is physically incapacitated. Exceptions, however, may be made in unusual cases in the judgment of the supervisor. On Forests where a limited supply requires it, the free use of all saw timber may be refused. Necessary cutting of timber in surveying for lawful projects may be done without permit. Unnecessary cutting is trespass.

REG. 23. No applicant will be given more than two free-use permits in one year, nor may the aggregate amount of material granted in the two permits exceed \$20 in value, except in cases of great or unusual need, or in the case of school districts, churches, and noncommercial cooperative organizations, when the supervisor may, in his discretion, extend the amount to any value not exceeding \$100. Free-use permits aggregating over \$100 in value may be granted only by the Forester. The duration of any permit will be fixed by the issuing officer, but all permits must terminate on or before June 30 of each year.

If the permittee fails to remove timber within the time stated in the permit, the Forest officer may grant the tim-

ber to another applicant. A permit will not be renewed to an applicant who has failed to use it, until the tract has been open to application by others for thirty days. In cases of unusual emergency, however, it may be extended by the supervisor, or, if for \$20 or less, by a ranger authorized to grant free use.

REG. 24. All Forest officers whom the supervisor may designate are authorized to grant free-use permits up to \$20 in value under these regulations, and to make such restrictions as to quality, kind, amount, location, and removal as they deem necessary to protect the National Forests. It is their duty to furnish cheerful assistance to applicants, to act promptly upon all applications, and, in general, to follow as liberal a policy in the matter of free use as the interests of the National Forests and the proper performance of their other work will allow.

No free-use material, except the small quantities actually needed by transients, may be taken without a permit. Free use can never be granted verbally.

The free-use business of the National Forests will be conducted mainly by the rangers, subject only to the general restrictions, instructions, and supervision outlined in this book, and the general plan and policy outlined by the supervisors.

REG. 25. Free use may be granted for consumption outside the State in which the National Forest is located, except from the Black Hills National Forest in South Dakota.

REG. 26. All free-use material may be sawed, and all except green timber may be cut for the permittee by an agent, but the work so done must not be paid for by a share of the material. When a permittee is physically in-

capable of doing the work he may hire an agent to cut any green or dead timber, but he can not pay him by sharing the material.

REG. 27. The Forester is authorized to permit, under such conditions as he may deem necessary, the free use of earth, stone, and timber from the National Forests by the Reclamation Service in the construction of works under the National Irrigation Law. If the amount needed is not greater than that which the supervisor is authorized to sell, the permit may be approved by the supervisor.

REG. 28. No timber or other Forest products received under a free-use permit shall be sold until the permittee has made a regular application for the purchase of the material and has paid the purchase price.

TIMBER SETTLEMENT.

REG. 29. When a right of way or other special use is granted within a National Forest, the Forester or the supervisor who approves the permit may, in his discretion, without advertisement, fix the price and require payment for all timber cut or destroyed on National Forest land occupied or cleared in direct connection with the enjoyment of the right of way or special use.

TIMBER SALES.

All timber within the National Forests which can be cut safely, and for which there is actual need, is for sale. Applications to purchase are invited. Green timber may be sold except where its removal would make a second crop doubtful, reduce the timber supply below

the point of safety, or injure the streams. The limited supply on some Forests prevents sales except for local use. All dead timber is for sale.

In all cases the first step for the prospective purchaser is to consult the nearest Forest officer. Inquiries or applications should never be sent to Washington directly.

The prime object of the National Forests is use. While the forest and its dependent interests must be made permanent and safe by preventing overcutting or injury to young growth, every reasonable effort will be made to satisfy legitimate demands.

Timber cut from National Forests may be handled and shipped like any other timber, except that it will not be sold for shipment from regions where local consumption requires the entire supply, or is certain to do so in the future. The law prohibits export from South Dakota of any timber from the Black Hills National Forest, unless cut from dead or insect-infested trees.

Anyone except a trespasser may purchase timber upon the National Forests. There is no limit but the capacity of the forest to the quantity which may be sold to one purchaser, except that monopoly to the disadvantage of other users of forest products will not be tolerated.

The time allowed for the removal of timber will depend upon the amount purchased and the amount which the purchaser is able to cut and remove each year, but will in no case exceed five years. It will always be sufficient for reasonably diligent work, but speculation by holding for rise in value will not be permitted.

The question whether the Government has or has not the right to sell timber from a mining or other valid

land claim upon which final proof has not yet been made has never been settled in the courts. When a claimant is actually occupying and developing his claim, the timber should not be disposed of by the Forest Service. If, however, any claimant is not actively using his claim, Forest officers should not hesitate to allow, either under sale or "free use," the cutting and removal of dead, down, diseased, or insect-infested timber, especially when they consider such timber a danger to the Forest. If the danger is great, it should be reported to the Forester, even though the claim is actively used.

The Forest Service has the undoubted right to sell any timber upon a land claim to the rightful claimant for any use whatever. A sale may be made, also, to a third party, with the consent of the rightful claimant, which should be in writing and filed with the other papers in the case.

CLASSES OF SALES.

REG. 30. All Forest officers whom the supervisor may designate are authorized to sell dead and green timber not exceeding \$50 in value. All supervisors are authorized to sell green and dead timber not exceeding \$100 in value. The Forester is authorized to make timber sales for larger amounts and to delegate this authority in special cases.

Under Reg. 30 sales fall into these three classes:

(A) *Rangers' sales*.—Not over \$50 in value of dead or living timber.

No delay is involved. The applicant should consult in person the nearest Forest officer, who will designate

the timber, fix the terms of sale, and at once, upon assurance that the required payment has been forwarded to the Fiscal Agent, permit cutting and removal.

(B) *Supervisors' sales*.—Not over \$100 in value of dead or living timber, or such larger amounts as may be authorized by the Forester. Application may be made through any Forest officer, but the supervisor must approve the sale. If the value of the timber applied for is not over \$100, the only delay involved is the time required for the estimate and the report to the supervisor. If the latter approves the sale, the applicant forwards to the Fiscal Agent the payment required, and receives from the supervisor an approved copy of his application, which becomes his permit. He may then begin cutting.

When the value of the timber applied for is more than \$100, the sale must be advertised for at least thirty days in one or more newspapers of general circulation in the State or Territory. The applicant will be required to forward \$50 to the Fiscal Agent to cover the cost of advertising. If the amount applied for is over \$100 in value, but still within the limit established by the Forester for sales by the supervisor, the latter prepares an advertisement and has it published. The advertisement should state the period during which bids will be received, the area from which timber is to be sold, its kind and estimated amount, the sum to be deposited with the Fiscal Agent at the time bids are sent to the supervisor, and that the right to reject any or all bids is reserved. Ordinarily the minimum stumpage price or prices should also be stated. On

the expiration of the period of advertising, the supervisor will open the bids and award the sale.

The supervisor then prepares the contract and, if necessary, the bond, and sends them to the successful bidder for execution. When the contract and bond have been executed and the necessary deposits made with the Fiscal Agent, cutting may begin.

The sale will be awarded to the highest bidder unless such an award would create a monopoly, or unless the highest bidder is debarred from the use of the National Forest by his previous acts, or unless some unforeseen objection to the sale arises.

(C) *Forester's sales*.—Sales exceeding in value the amount to which the supervisor is authorized to sell.

Since the timber in all sales of this class exceeds \$100 in value, all must be advertised. Applications are submitted through the supervisor to the Forester. Upon the Forester's approval, and after a deposit of \$50 to cover cost of advertising has been received by the Fiscal Agent, a notice of sale is published in the local newspapers for a period of not less than thirty days. On the expiration of the period named in the advertisement, the bids are opened by the Forester and the sale is awarded. If the sale is awarded to another person, the applicant's deposit is returned. The contract, based on the application, is drawn up in the Washington office and sent to the supervisor to be executed by the purchaser. After the contract has been executed and the required deposits made, cutting may begin at once.

PAYMENTS AND DEPOSITS.

REG. 31. The supervisor may in his discretion require that a deposit be made with the Fiscal Agent before examination of or report on any application to purchase timber.

REG. 32. No timber shall be cut under any timber-sale contract unless it has been paid for. If in any sale the timber available does not reach the amount estimated and paid for, the necessary refund will be made, provided the purchaser has complied with the terms of the sale.

Deposits to cover cost of advertising and to accompany bids apply on the first payment if the sale is awarded to the depositor. Otherwise they will be refunded in accordance with Reg. 33.

REG. 33. In any sale the timber may be paid for in one or more payments, as agreed. In sales of \$100 or less the partial payments must not exceed three.

No payment should be sent to the Fiscal Agent without a form letter of transmittal, which will be furnished by the Forest officer.

If possible, in sales of \$100 or less, payment should be made in full in advance of cutting.

CONDITIONS OF SALE.

REG. 34. The period allowed for the removal of timber, which in no case will exceed five years, must be fixed in the agreement, and in sales in which a period of two or more years is allowed for the removal of the timber, the minimum amount to be removed each year must be specified, except in unusual cases. If at the expiration of the period named in the contract the purchaser has not re-

moved all the timber, he forfeits all right to any timber not yet removed and to his purchase money; but if his failure to comply with the restriction was unavoidable, the Forester may, in his discretion, extend the limit to prevent hardship.

Supervisors may extend the time allowed for the cutting and removal of timber in sales of Class A and Class B. In any sale, unless it is otherwise specified in the contract, they may allow the postponement of brush piling when snow makes it impracticable. The supervisor may require the purchaser to give bond to comply with the terms of the application for such postponement. Extension of time in a Class C sale may be granted only by the Forester or such officers as he may designate.

Only in exceptional cases will a period of more than three years for the removal of timber be allowed.

REG. 35. Timber cut from any National Forest may be sold in any market anywhere; except that from the Black Hills National Forest in South Dakota dead and insect-infested timber only may be exported from that State.

REG. 36. In Class A and Class B sales bonds will be required only in exceptional cases. In Class C sales in which the value of timber involved is less than \$3,000, bonds will not be required unless definitely recommended by the supervisor. In all sales for amounts of \$3,000 or more bonds will be required, except in special cases. The responsibility of the sureties must be established by the supervisor and reported upon in all bonds requiring the approval of the Forester. Supervisors may approve any bonds in sales of Class A and Class B.

REG. 37. No timber cut under any contract shall be removed from the place selected for scaling, measuring, or counting until it has been scaled, measured, or counted and stamped by the Forest officer.

No person, except a Forest officer, shall stamp any timber belonging to the Government upon a National Forest with the regulation marking ax or with any instrument having a similar design.

No live trees shall be cut under any contract until marked or otherwise designated by a Forest officer.

No trees within the limits of a National Forest, or upon any unpatented claim within a National Forest, shall be cut, girdled, or otherwise killed or destroyed, except under permit or where otherwise allowed by law.

REG. 38. The willful removal of any timber which has been unlawfully cut, either previously or subsequently to the creation of the National Forest, is prohibited.

The rule for measure of damages for timber cut in trespass is as follows: When the trespass is willful, the value of the timber where found; when unintentional, the stumpage value only. Damages for timber trespass may be collected from the original trespasser or from any subsequent purchaser.

Unlawfully cutting or removing, or wantonly destroying timber is prohibited by specific act of Congress.

Timber may be cut on a valid unpatented claim, but only to the extent necessary for its actual development consistent with the purposes for which it was initiated. Timber cut from one claim can not lawfully be used upon another, unless such use tends directly to develop

the claim from which it is cut; and the burden of proof is upon the claimant to show this.

Cutting, chipping, chopping, or boxing any tree, even though on an unperfected claim, for the purpose of obtaining any pitch, turpentine, or other substance, or knowingly buying any pitch, turpentine, or other substance so obtained, is prohibited by specific act of Congress.

ADVERTISEMENTS AND BIDS.

When timber over \$100 in value is offered for sale, it must be advertised for a period of not less than thirty days in one or more newspapers of general circulation in the State or Territory.

Advertisements of sales must announce the time and place of filing bids, the location and approximate amount of timber, the amount to be deposited, and the name and address of the supervisor from whom full information can be obtained. Deposits will be credited on the purchase price of the timber if the sale is awarded to the depositor. If the sale is awarded to another, or if the application is not approved, the deposits will be refunded. If the applicant should fail to submit a bid, the amount previously deposited may, at the discretion of the Forester in Class C sales, and at the discretion of the supervisor in Class B sales, be retained to cover the cost of advertising. The right is reserved to reject any or all bids.

REG. 39. In sales above \$500, allotments, at the highest price offered, may be made to several bidders to prevent monopoly.

REG. 40. After any timber has been advertised, the Forester and such officers as he may designate may dispose of it at private sale, without further advertisement, at prices not lower than those named in the advertisement:

(a) If the timber has been advertised, but not sold;

(b) If the purchaser fails to complete his contract.

Timber may also be disposed of at private sale if the law does not require that it be advertised.

ADVANCE CUTTING.

REG. 41. The Forester and such officers as he may designate may permit the cutting and removal of timber in advance of the award in an advertised sale, when the applicant has made a deposit covering the value of the timber to be cut and removed, and has agreed to pay for all timber actually cut under the privilege of advance cutting at the rate of the highest price bid, or if no bids are received, at the rate named in the advertisement.

PREPARATION OF FORMAL APPLICATION.

If the Forest officer decides to recommend a sale, he will explain to the applicant all the requirements of the regulations and the special conditions for that particular sale. All points about the proposed cutting must be discussed fully with the applicant before the formal application is signed. The following points are given as guides for this discussion, but the Forest officer who prepares the application will be held responsible for the applicant's clear understanding of all the conditions of the application and of the manner agreed upon for conducting the sale.

To what approximate minimum diameter limit at a point $4\frac{1}{2}$ feet from the ground will cutting be allowed for the different species?

Will seed trees be left; if so, of what species and how many per acre? Will they be evenly distributed or left in groups or strips?

To what diameter in the tops will trees be used?

What disposition will be made of brush and refuse?

To what maximum height will the purchaser be allowed to cut the stumps? Unless swell-budded, hollow, badly burned out, or of great size, they should usually not be higher than 18 inches.

Will felling and cutting be done with saws?

During what months will cutting be allowed? Will it be allowed when deep snow is on the ground?

Will brush disposal be discontinued during the winter months?

What timber may be used for skidways, camps, or other improvements, and will it be paid for? What disposition will be made of camps and other improvements?

Where will camps, roads, dams, etc., be located?

Are the approximate minimum diameter limits to be varied to reduce the proportion of the undesirable species in the stand? Can these species be reduced in any other manner?

Will the cutting of desirable species only be allowed, or will the purchaser be required to remove all merchantable timber on the tract?

What special precautions will be taken to prevent damage to the young growth?

How and where will logs be skidded for scaling? If logs are not skidded, how will extra cost of scaling be paid? What allowance will be made for trimming lengths?

What claims are included in the sale area?

Will the timber on them be included in the sale, or will it be exempted?

What areas will be excluded from the sale to supply local needs?

What precautions are necessary to prevent forest fires, and how many employees of the purchaser will be available to assist Forest officers in fighting fires?

If a bond is required, what will be its amount?

Will the use of locomotives or other steam engines be permitted? If so, what precautions against fire will be taken?

What period will be allowed for the completion of the contract? Has the purchaser facilities for completing the logging within this period? Is the time longer than is actually necessary?

What are the stumpage rates? If the sale is for a long period, is provision made for the readjustment of the stumpage rates at a definite time? On what basis? Is provision to be made for a sliding scale of stumpage rates?

Will the purchaser be required to furnish any data of value to the Forest Service?

Where will scaling or measuring be done? How often?

What should be the basis for distinguishing between merchantable and unmerchantable timber?

May trees which are nearly dead be included in the sale to good advantage?

Should all wood sound enough for fuel be taken?

Should all dead trees above a given size be taken?
What size?

Dead timber includes only trees which have no green branches, and in no case trees which are apparently dying. Since deciduous trees, such as most hardwoods, have no foliage in winter, special care is needed to decide when they are dead. Trees dead at the top and green below, generally called spike-topped trees, are classed as living, and must never be cut under dead-timber permits.

If the applicant agrees to the conditions after they have been explained to him, a formal application is prepared according to the instructions given above for each class of sales. The quantity and location of timber described is based upon the Forest officer's examination, and must agree with the map, estimate, and report. All conditions and restrictions to govern the cutting must also be included.

SPECIAL REGULATIONS FOR ALASKA.

All regulations for the use of the land and resources of the National Forests are applicable to the Forests in Alaska, except as modified by the following special regulations:

REG. 42. Trails on National Forest lands in Alaska may be constructed, extended, or repaired without permit. Wagon roads may be constructed, widened, extended, or repaired when needed, but permit must first be obtained

from the supervisor. Permits will not give any right to the exclusive use, or to charge toll, or against future disposal of the land by the United States.

REG. 43. When a right of way or other special use is granted within a National Forest in Alaska, the supervisor may, without charge, allow the cutting of timber when this is necessary for the proper enjoyment of the special use. (See Reg. 29.)

REG. 44. Without permit, and free of charge, settlers, farmers, prospectors, fishermen, or similar persons residing within or adjacent to National Forests in Alaska are granted the privilege of taking green or dry timber from the Forests, and driftwood, afloat or on the beaches, for their own personal use, but not for sale; provided that the amount of material so taken shall not in any one year exceed 20,000 feet board measure, or 25 cords of wood; and provided further, that the persons enjoying this privilege will, on demand, forward to the supervisor a statement of the quantity of material so taken and a description of the location from which it was removed.

Timber cut from any National Forest in Alaska may be exported from the district and sold in any market anywhere, upon certification by the supervisor that the timber has been purchased and cut from a National Forest in Alaska.

Remittances in all cases must be sent to the Special Fiscal Agent, Ketchikan, Alaska, and checks or orders made payable to him.

GRAZING.

The Secretary of Agriculture has authority to permit, regulate, or prohibit grazing in the National For-

ests. Under his direction the Forest Service will allow the use of the forage crop as fully as the proper care and protection of the forests and the water supply permit. In new National Forests, where the live-stock industry is of special importance, full grazing privileges will be given at first, and if reduction in number is afterwards found necessary, stockmen will be given ample opportunity to adjust their business to the new conditions. Every effort will be made to assist the stock owners in a satisfactory distribution of stock on the range, in order to secure greater harmony among citizens, to reduce the waste of forage by tramping in unnecessary movement of stock, and to obtain a more permanent, judicious, and profitable use of the range.

The leading objects of the grazing regulations are:

The protection and conservative use of all National Forest land adapted for grazing.

The permanent good of the live-stock industry through proper care and improvement of the grazing lands.

The protection of the settler and home builder against unfair competition in the use of the range.

On the other hand, the Forest Service expects the full and earnest cooperation of the stock owners to carry out the regulations.

Permits will be issued to graze a certain number of live stock in each National Forest or part thereof, so long as no marked damage is done by such stock; but whenever a National Forest is being injured by too much stock or by the way it is being handled, the num-

ber will be reduced until the damage is stopped. In extreme cases, if necessary, all stock will be excluded.

Cattle and horses will usually be allowed to graze in all National Forests. Sheep and goats will be allowed to graze in National Forests or in parts thereof where special conditions warrant such grazing, but will be restricted to the areas and grazing periods fixed by the Forest officers.

Permits will usually be granted for one year, but where all controversies have been settled and only a proper number of stock are allowed, permits may be granted for periods of not more than five years.

ADVISORY BOARDS.

REG. 45. Whenever any live-stock association whose membership includes a majority of the owners of any class of live stock using a National Forest or portion thereof shall appoint a committee, an agreement on the part of which shall be binding upon the association, such committee, upon application to the Forester, may be recognized as an advisory board for the association, and shall then be entitled to receive notice of proposed action and have an opportunity to be heard by the local Forest officer in reference to increase or decrease in the number of stock to be allowed for any year, the division of the range between different classes of stock or their owners, or the adoption of special rules to meet local conditions.

In setting any date of meeting with an advisory board the supervisor must give sufficient time to afford all members of the board an opportunity to attend, but in case they fail to attend either in person or by proxy,

then the Forest officer will be relieved from all obligation to delay action.

Favorable consideration will be given the recommendations of an advisory board except when such recommendations are in conflict with the regulations or when there is good reason for their disapproval.

Live-stock associations desiring to take advantage of this regulation must file an application with the Forester, giving the names of all members of the association, the name of the National Forest or Forests in which its members are interested, and the names of the committeemen who are to act for the association. The advisory board must not consist of more than five members, and a majority of the board must constitute a quorum.

The application must be accompanied by a copy of the constitution and by-laws of the association and a statement that the action of the board will be binding upon the association. Upon the approval of such application by the Forester the association will be entitled to the recognition given under this regulation.

ALLOTMENT.

REG. 46. The Secretary of Agriculture will prescribe each year the number of stock to be allowed in each National Forest. The period during which grazing will be allowed and the grazing fees to be charged will be determined by the Forester. The supervisor will issue grazing permits in accordance with the instructions of the Forester. In the allotment of grazing permits the regular

occupants of the range who own and reside upon improved ranch property in or near the National Forests will be given first consideration, but will be limited to a number which will not exclude regular occupants who reside or whose stock are wintered at a greater distance from the National Forests.

The grazing season for which permits are issued must not exceed the period authorized, and the total number of stock included in all permits issued must not exceed the number allowed by the Secretary's order.

The supervisor may allow stock to enter not more than fifteen days in advance of the date fixed for the beginning of a grazing period, or allow it to remain fifteen days after the expiration of the regular grazing period, when the needs of the people demand such action and the condition of the range warrants it.

The period covered by year-long permits will begin at the opening of the regular summer grazing season and end on the day previous of the following year.

Applicants for grazing permits will be given preference in the following order:

(a) Small near-by owners.

Persons living in or close to the National Forest and owning improved ranches, whose stock regularly graze upon the National Forest range and who are dependent upon its use.

(b) All other regular occupants of the range.

The larger near-by owners of stock and improved ranch property and regular occupants of the range who do not own ranch property.

(c) Owners of transient stock.

The owners of stock which belong at a considerable distance from the National Forest and have not regularly occupied the range within its limits.

The number of stock an applicant is allowed to graze will be determined upon the merits of each case.

Priority in the occupancy and use of the range will be considered, and so far as is consistent with other equities the preference will be given to those who have continuously used the range for the longest period.

When necessary for the protection of class (a) owners, a limit in the number of each class of stock will be established, and renewals to all persons whose permits are within such limit will be without reduction in the number of stock.

When necessary to prevent range monopoly, a maximum limit in the number of stock allowed any one applicant will be established.

Persons who are legal citizens of the United States will be given a preference in the use of the National Forests, but persons who are not citizens may be allowed grazing permits provided they are bona fide residents and owners of improved ranch property either within or adjacent to a National Forest.

The owners of stock which belong in the State or Territory in which a National Forest is located will be given the preference, and resident owners will be considered first, but owners of stock coming from adjoining States or Territories will also be considered when circumstances warrant it.

DISTRICTS AND DIVISIONS.

REG. 47. National Forests in which grazing is allowed will be divided into districts approved by the Forester, who will determine the kind of stock to be grazed in each district. The supervisor will make such range divisions among applicants for the grazing permits as appear most-equitable and for the best interest of the National Forest and its users. When required for the protection of camping places, lakes and streams, roads and trails, etc., or of areas which are to be reforested, the supervisor may exclude stock from specified areas for such period of time as is necessary. Stock will be excluded from areas where they will destroy young growth or will prevent reproduction.

PERMITS.

REG. 48. All persons must secure permits before grazing any stock in a National Forest, except for the few head in actual use by prospectors, campers, and travelers, or saddle, pack, and work animals actually used in caring for stock grazed under permit or in connection with timber sales or improvement work on the National Forests, and milch or work animals not exceeding a total of ten head owned and in use by bona fide settlers residing in or near a National Forest, which require no permit.

No stock may be grazed without a permit, except milch or work animals which are in actual use. A settler owning only ten head or less of stock which are neither milch nor work animals will be required to apply for permit and pay the grazing fee, while a settler owning any number of stock will be allowed to graze

ten head of milch or work animals without permit and free of charge.

REG. 49. The grazing upon or driving across any National Forest of any live stock without a permit, except saddle, milch, or work animals exempted from permit by the preceding regulation, is prohibited under the penalty imposed by the act of June 4, 1897 (30 Stat., 11).

Persons who allow their stock to drift and graze on the National Forests without a permit must, under the law, be regarded as trespassers, and will lose all right to permits of any kind upon the National Forests.

REG. 50. Permits will be granted only for the exclusive use and benefit of the owners of the stock, and will be forfeited if sold or transferred in any manner or for any consideration. Speculation in the use of grazing permits will not be allowed, and permits will be refused or canceled for intentional false statement of the number of stock owned.

In case a permittee shall sell the stock covered by permit to a purchaser who wishes to continue grazing it on the National Forest, upon presentation to the supervisor of evidence that the sale is bona fide, the permit will be canceled and a new permit will be issued to the purchaser, without cost, for the remainder of the grazing period allowed in the original permit. The issuance of a permit under these circumstances does not carry with it any guaranty that a renewal will be allowed for the number of stock the original permittee might have been entitled to graze, but is granted with the understanding that in subsequent permit allotments the purchaser will be considered solely upon the merits of his case.

The mere purchase of a portion of the stock which has been grazed under a permit upon the National Forest will not entitle the purchaser to share in the grazing during the following year, but when the entire herd of stock, or both the stock and the ranches used in connection with it, are purchased, then an equitable share of the grazing will be allowed the new owner. The preference given on account of prior use of the range is a personal privilege and is not transferable. All grazing permits issued on account of the purchase of stock will be subject to the maximum limit restrictions after the expiration of the ensuing permit period, and no person, partnership, or corporation will be allowed a renewal of permit for stock purchased, on a number in excess of the maximum limit established by the Forester.

APPLICATIONS FOR PERMITS.

REG. 51. The supervisor will set and give public notice of a date each year on or before which all applications for grazing permits must be presented to him. Permits may be refused to persons who do not file their applications within the required limit, unless satisfactory reasons are given.

REG. 52. Grazing applications must not cover more stock than the applicant desires to graze in the National Forest, and must show the marks and brands of the stock, the portion of the National Forest or district in which pasture is desired, and the grazing period.

When applications are made either by new settlers or regular occupants of the range for permits to graze stock which they intend to purchase before the begin-

ning of the grazing period, a statement to that effect will be made on the application blank.

The amendment of an application, reducing the number of stock for which it has been approved, will not be allowed except when the shortage is caused by circumstances over which the applicant has no control. In case the total number of stock authorized to graze upon the Forest has not been applied for, amended or supplemental applications, increasing the number of stock for which permit will be given, may be approved with the understanding that no permanent range rights are necessarily allowed for the increased number of stock.

Applications for permits during a period of more than one year will be approved only after special authority has been given by the Forester. The permits will be issued annually, and the grazing fees, at the regular current rate, must be paid annually in advance on the full number of stock for which the application is approved.

Approved applications for permits during a period of more than one year will be canceled for failure to pay the grazing fees for any one year, unless, in the opinion of the supervisor, the range should be given a rest, or for failure to use the range for more than one year, even though the fees have been paid.

All approved applications for more than the protective limit number of stock will be subject to annual reductions, if found necessary to provide for the issuance of permits to bona fide settlers.

REG. 53. Whenever there is a dispute between grazing applicants for the same area, the supervisor will notify

them to appear before him at a stated time and place, to make a statement of their claims. After all evidence has been presented the supervisor will decide who shall be granted permits, and will forthwith notify each party to the dispute of his decision and his reasons therefor, which will be final unless written notice of appeal to the Forester is given him within ten days thereafter. Appeal will avail only in case of error.

An appeal to the Forester as provided in Reg. 53 should set forth the facts which, in the opinion of the appellant, make the supervisor's decision unwarranted by the law and the regulations. It should be filed in duplicate with the supervisor, who will at once transmit one copy to the other party, with notice that ten days are allowed for answer, plus a reasonable time, to be specified in the notice, for the transmittal of the appeal and the answer. The answer should be filed in duplicate, and one copy transmitted at once by the supervisor to the appellant, who will be allowed ten days in which to make final reply. Both appeal and answers must be in writing and verified by oath, and may be accompanied by affidavits of witnesses having knowledge of the facts. No other evidence will be taken unless called for by the Forester. When the appeal and answers have been filed, the supervisor will transmit the originals to the Forester, with a copy of his decision and argument in the case. Pending a decision by the Forester upon the appeal, the party occupying the range will be allowed to continue its use, but must remove his stock within ten days from the date of notice that the Forester has decided against him.

REG. 54. Persons owning cattle and horses which regularly graze on ranges located along the boundary line and only partially included within a National Forest may be granted permits for such portion of their stock as the circumstances appear to justify, but may be required to herd or so handle their stock as to prevent trespassing by that portion for which a permit is not granted, and to sign a supplemental agreement to that effect.

In the approval of applications from the owners of stock which graze on and off the National Forest, the Forest officers will make an estimate of the average number which will probably be grazed upon the National Forest lands, and will require the full grazing fee to be paid upon this number.

Such different grazing periods will be established for each National Forest as are necessary to meet the general needs of the people and to secure an economic use of the forage. No reduction in grazing fees will be made because the stock will not be grazed upon the National Forest during the entire period allowed, nor will an increased number of stock be allowed to enter the National Forest for this reason.

FEES.

REG. 55. A reasonable fee will be charged for grazing all classes of live stock on National Forests. The prices will be as follows, depending upon the advantages and locality of the Forest: From twenty (20) to fifty (50) cents per head for cattle and horses for the summer grazing season, and from thirty-five (35) to seventy-five (75) cents per head for the entire year; from ten (10) to twenty (20) cents per head for hogs for the summer grazing season,

and from twenty (20) to forty (40) cents per head for the entire year; from five (5) to twelve (12) cents per head for sheep and goats for the summer grazing season, and from ten (10) to twenty (20) cents per head for the entire year. An extra charge of two (2) cents per head will be made for sheep or goats which are allowed to enter the National Forests for the purpose of lambing or kidding. All stock six months old and over at the time of entering will be counted as grown stock.

In calculating the number for which permit will be required and the amount to be paid for grazing fees, no count will be made of animals under 6 months of age at the time of entering that are the natural increase of the stock upon which fees are paid or for those born during the year for which permit is granted. The intent is that all animals born during any calendar year shall be counted and charged for during the following year.

When permits for the summer season are extended to cover the year-long period, an additional charge of five (5) cents per head on cattle and horses, and one (1) cent per head on sheep and goats, will be made in advance of the difference between the fees for the summer and year-long grazing periods.

The number of animals allowed upon a National Forest, or for which a permit is granted, will be calculated on a flat-rate basis, counting only stock 6 months old and over.

REG. 56. All grazing fees are payable for each year strictly in advance. When an applicant for a grazing permit is notified by the supervisor that his application has

been approved, he will remit the amount due for grazing fees to the Fiscal Agent, Forest Service, Washington, D. C., and upon return of the certificate to the supervisor a permit will be issued allowing the stock to enter the Forest and remain during the period specified.

Persons who fail to pay the grazing fee thirty days before the beginning of the grazing period must notify the supervisor and give satisfactory reasons, or they may be denied a grazing permit the following season.

Applications for grazing permits will not be disapproved for nonuse of the range during one year, if a statement giving satisfactory reasons is filed with the supervisor before the opening of the grazing period for which the fees are not paid.

REG. 57. The fees paid on account of a grazing permit which has been duly issued will not be refunded for nonuse of the permit, except when, in the opinion of the Forester, the applicant is prevented from using the range by circumstances over which he has no control.

Refunds will not be made on account of the stock having been sold after the issuance of the permit.

Applications for the refund of money paid on account of a grazing permit must be accompanied by a written statement giving the reasons for not using the permit.

RESTRICTIONS IN HANDLING STOCK.

REG. 58. When an owner who has a permit is ready to drive in his stock he must notify the nearest Forest officer, by mail or otherwise, stating the number to be driven in. If called upon to do so, he must provide for having his

stock counted before entering the National Forest, or at any time afterwards when the number of stock appears to be greater than the number covered by permit. Whenever any stock is removed before the expiration of the permit, it can be replaced by other stock to fill out the number covered by permit if the nearest Forest officer is notified of such action at once. The owners of stock which is kept under herd upon the National Forests will be furnished with cards for the identification of their herders by Forest officers.

REG. 59. Each person or group of persons granted grazing permits will be required to repair all damage to roads or trails caused by the presence of their stock in any portion of a National Forest, and to build any new roads or trails found necessary for the proper handling of the stock. They will also be required to fence any spring or seep which is being damaged by tramping, and, if necessary, pipe the water into troughs for watering stock. Such troughs must be open for public use.

REG. 60. Sheep and goats must not be bedded more than six nights in succession in the same place, except when bedding bands of ewes during lambing season, and must not be bedded within 300 yards of any running stream or living spring, except in rare cases where this restriction is clearly impracticable.

REG. 61. The carcasses of all animals which die in the close vicinity of any water must be removed immediately, and buried or burned.

REG. 62. Whenever the Forest officers require it, all stock grazed under permit must be salted regularly at such places and in such manner as they may designate.

REG. 63. All persons holding grazing permits are required to extinguish camp fires started by them or their employees before leaving the vicinity thereof, and to aid in extinguishing all forest fires within the division or district of the National Forest in which they are grazing stock.

REG. 64. Whenever an injury is being done the National Forest by reason of improper handling of the stock, the owner must comply with the orders of the Forest officers or the permit will be canceled and the stock removed. The grazing of stock upon a closed area or upon range not allowed by the permit will constitute a trespass, and the owner of the stock will be held liable for damages.

All persons who violate the regulations in regard to the repairing of damage to roads and trails, fencing of springs, bedding of sheep near streams or too long in the same place, removal or burial of dead animals, salting of stock, extinguishing fires, or complying with the orders of Forest officers when damage is being done to the forest or range will make themselves liable for the amount of the damage or to a reduction in the number of stock allowed the following year.

Whenever it is necessary for the protection of a National Forest, or of the interests dependent upon it, the supervisor may require the owners of transient stock, or nonresidents of the State or Territory in which a National Forest is located, to give a good and sufficient bond to insure payment for all damages caused by any violation of the regulations or the terms of the permit.

USE OF PRIVATE LAND.

REG. 65. Persons who own, or who have leased from the owners, land within the exterior limits of any National Forest which they desire to use for grazing purposes will be allowed to cross the Forest lands free of charge with their stock to reach such private holdings, but when the stock will be grazed on National Forest land en route, they must make application to the supervisor for a permit to cross. The application must be accompanied by a personal certificate of title showing the description and ownership of the land, and, if leased from an owner, a copy of the lease, and must state the number of stock to be taken in, the length of time required to cross the National Forest land, the route over which the stock is to be driven, the period during which the stock will remain upon the private land, and how much stock the owned or leased land will pasture during the period specified.

When the private land is unfenced a special clause may be inserted in the agreement waiving the right to the exclusive use of the private land and allowing it to remain open to other stock grazed under permit, in consideration of which a permit will be issued, free of charge, allowing the stock to be grazed at large upon the National Forest, but the grazing fee must be paid on all stock over the estimated grazing capacity of the private lands.

The right to graze sheep and goats at large upon National Forest lands, in consideration of waiving the right to the exclusive use of private lands, will be allowed only upon such National Forests or portions thereof as are open to this kind of stock.

Persons grazing stock under this regulation who fail to make the special agreement allowing other stock to enter upon the land will be required to keep their stock within the limits of the land under their control either by herding or fencing.

When the private land is fenced so that there is no danger of intrusion by the stock on National Forest lands, then the application may be approved for a permit allowing such number of stock to be driven across the National Forest as the applicant desires to graze upon his land. When the fenced private land can be reached by a public highway without driving the stock across the National Forest lands, no permit will be required.

CROSSING PERMITS.

REG. 66. Persons wishing to drive stock across any part of a National Forest must make application to the supervisor or other Forest officers, either by letter or on the regular grazing application form, for a permit to graze stock en route, and must have a permit from the supervisor, or such other Forest officer as he may designate, before entering the National Forest. The application must state the number of stock to be driven, the date of starting, and period required for passage. Grazing must be confined to the limits and along the route designated by the Forest officers, and will only be allowed for the period actually necessary for stock to cross the National Forest.

Permits will not be required for driving small bands of stock along public highways, or when the stock will not be grazed upon National Forest lands en route.

DRIFT FENCES AND INCLOSURES.

REG. 67. The construction and maintenance of drift or division fences will be allowed when they will be a benefit to the National Forest or its administration and will not interfere with the use of the range by all who are equitably entitled to share in the grazing.

A fence may be constructed or maintained if it does not give control of an area in excess of that actually required for pasturage of the stock which the person or persons maintaining it would be entitled to graze. If the range controlled by a fence is excessive in area, and should be shared by applicants other than those now using it, the fence must be either removed or changed, or the range opened to other permittees who are entitled to share in its use. All drift or division fences must be provided with gates at such points as are necessary to allow proper ingress and egress.

Whenever drift fences are needed for the better control of stock grazed under permit, all forest material needed for use in their construction may be furnished from the National Forest, free of charge, and in cases where the circumstances justify it the necessary wire and staples may also be furnished, if the stockmen using the range are willing to construct such fences with the understanding that they will become the property of the United States.

All drift or division fences must be provided with gates at such points as are necessary to allow proper ingress and egress.

REG. 68. The construction of corrals upon National Forest lands covering an area of not more than one (1) acre, to be used in connection with the proper handling of live stock which is permitted to graze thereon, will be allowed without charge wherever in the judgment of the Forest officers such corrals are necessary and will not be detrimental to the proper care of the Forest.

REG. 69. The construction of inclosures upon National Forest lands containing not more than three hundred and twenty (320) acres will be allowed, when such inclosures are necessary for the proper handling of the stock allowed to graze upon the Forests, under a special permit, for which an annual rental of not less than four (4) cents per acre will be charged in addition to the regular grazing fee. The fencing up of watering places for the purpose of controlling adjoining range will not be allowed, and in fencing pastures provision must be made to allow free access to water by any stock grazing under permit. The application must be made in the same manner as for other special uses.

Under this regulation the construction and maintenance of pastures will be allowed for the following purposes:

To pasture saddle horses, milch or work animals, graded or pure-bred stock, and bulls or rams.

To pasture beef steers or stock cattle which are being gathered and held just previous to their removal from the Forest, and to pasture calves which are being weaned.

To give settlers who live upon lands either within or on the border of a Forest the exclusive use of adjoining

pasture lands during a portion of the year, when needed for protection against other stock which is permitted to graze on the National Forest.

The permits granted under the three preceding regulations confer no property rights other than ownership of the improvements constructed, and all such improvements must be removed within ninety days after the expiration of an agreement unless sold to a successor who is entitled to continue in their use. Otherwise they will become the property of the United States.

The agreement will be made terminable at the discretion of the Forester, and will stipulate that failure to secure a renewal of the grazing permit, in connection with which it is granted, will cancel the agreement for the maintenance of the drift or division fence or pasture.

REG. 70. Stock-watering tanks may be constructed upon the National Forests under special-use permits, which will be issued free of charge to persons holding grazing permits when the use is noncommercial, and inclosures of not more than 40 acres may be allowed in connection therewith when necessary for the protection of the range, at an annual rental of not less than \$2.

REG. 71. The erection or maintenance of any fence or inclosure upon any National Forest without a permit is prohibited, except upon patented land or upon a valid claim when necessary for the actual development of such claim consistent with the purposes for which it was initiated.

Persons who are maintaining illegal fences or inclosures upon public lands outside the National Forests

will not be allowed to erect or maintain any drift fence or inclosure within a National Forest until after such illegal fences or inclosures have been removed, and any permit which has been issued to any such person for a drift fence or inclosure within a National Forest will be canceled upon presentation of satisfactory evidence to the Forester.

Persons maintaining illegal fences or inclosures within the National Forests, who are entitled to a continued enjoyment of such use under the regulations, may be allowed to offer a proposition of settlement for the trespass, which will include payment of the regular fees in addition to any compensation due the Government on account of damage to the National Forest.

WILD HAY.

REG. 72. Wild grass upon National Forests may be cut for hay under permits issued by supervisors. A charge will be made of not less than twenty (20) cents per acre. Application should be made upon Form 832 to the supervisor, directly or through a ranger, stating the area of the tract desired and the price offered.

QUARANTINE AND LOCAL LAWS.

REG. 73. All stock which is grazed under permit in or allowed to cross any National Forest will be required to conform to the quarantine regulations of the Bureau of Animal Industry, U. S. Department of Agriculture, and all live-stock laws of the State or Territory in which the National Forest is located.

Whenever the stock in any locality is known to be infected with a contagious disease, or notice to that

effect has been given the Forester by the Bureau of Animal Industry, the owners of all stock to be grazed in National Forests must, if required to do so, subject the stock to inspection, and, if found necessary, have such stock dipped or otherwise treated before it is allowed to enter. At any time during the period for which a grazing permit has been issued, if the stock is found to be infected with a contagious disease, it must be dipped or otherwise treated in accordance with the instructions of the inspectors of the Bureau of Animal Industry, or the permit will be canceled and the stock removed from the National Forest.

The owners of all stock grazed under permit must comply with the live-stock laws of the State or Territory, or their permits will be canceled. Rangers will report at once any violation of the live-stock laws, and will assist the stock owners to protect their property against loss by theft.

PROTECTION OF GAME AND STOCK.

REG. 74. All Forest officers will cooperate with State or Territorial officials, so far as they can without undue interference with their regular Forest work, to enforce local laws for the protection of game and stock. When authorized to do so by the proper State officers, they will, without additional pay, except bounties and fees offered by associations and States, act as game wardens with full power to enforce the local laws. If not so authorized, they will promptly inform the State officials of all violations discovered.

Rangers should, when necessary, inform all persons of the local stock and game laws and endeavor to pre-

vent their violation. This can best be done by courtesy and tact. If actual violation of the law is discovered by the ranger, he will at once notify the proper State officer, if practicable, and report this action to the supervisor. If unable to communicate with the State officer, or if no action follows, he will give the facts to the supervisor, who will transmit them to the proper State authority.

The Forest Service will not issue any permit which would result in preventing or restricting lawful hunting and fishing in National Forests, and therefore will not issue any permit for a game or fish preserve, even though the applicant for such permit may have a license from the State to impound game or fish.

Whenever it is found that the stock interests are suffering or that the number of game animals or birds is on the decrease on account of wolves, cougars, coyotes, bobcats, or other predatory animals, a report should be made to the Forester, with recommendations for such action as is necessary to get rid of them.

Forest rangers and guards may be assigned to the work of hunting predatory animals for a limited time each year, and will be furnished with necessary ammunition, poisons, and traps. If none is sufficiently experienced or can be spared for the work, professional hunters may be recommended for appointment as guards for such period as their services are required.

RECEIPTS.

REG. 75. The Fiscal Agent, Forest Service, Washington, D. C., is authorized to receive all payments to the Forest Service. The Special Fiscal Agent, Ketchikan, Alaska, is

authorized to receive payments on account of transactions in Alaska. All other Forest officers are prohibited from receiving any payments. Payments must be by postal or express money orders or national-bank drafts on New York City, drawn payable to the Treasurer of the United States, but forwarded to the Fiscal Agent, accompanied by printed form letters of transmittal (Form 861), which will be furnished the payor by the Forest officers. The letter of transmittal must designate the transaction on account of which the payment is made, and must be signed by the payor and the Forest officer conducting the transaction. A duplicate of the form letter of transmittal, signed only by the Forest officer, for all payments except grazing fees, must at the same time be sent to the Forester.

REFUNDS.

REG. 76. Claims for refund of payments made on the Forest Service must be addressed to the supervisor, who will forward them to the Forester with his recommendations. If the Forester approves the claim, the amount found not due the United States will be refunded by the Fiscal Agent upon presentation of a voucher prepared in accordance with the Fiscal Regulations and approved by the Forester.

Claims for refunds should be sent to the supervisor of the Forest on which the original payment was made, who will send them to the Forester with his recommendations. If the claim is allowed, a voucher will be prepared and sent to the claimant for his signature and returned to the Forester, who will instruct the Fiscal Agent to pay the claim. Refunds on grazing permits are subject to special restrictions (Reg. 57).

BONDS AND CONTRACTS.

REG. 77. The Forester and such officers as he may designate may demand and approve such bonds, require such stipulations, and approve and execute such leases and other contracts as are required or permitted by law or these regulations, or as the Secretary of Agriculture is required or permitted to demand, approve, require, or execute in matters affecting the Forest Service and the National Forests.

PROTECTION AGAINST FIRE

Probably the greatest single benefit derived by the community and the Nation from National Forests is through the protection of property, timber resources, and water supply against fire. The direct annual loss from this cause on *unprotected* lands reaches many millions of dollars; the indirect loss is beyond all estimate.

The Forest Service, by its protective measures, has greatly reduced the damage by fire on the National Forests. During the last three years the total area burned over has steadily diminished. For the last year it was less than one-tenth of 1 per cent of the total area of the National Forests.

The burden of adequate protection against fire can not well be borne by the State or by its citizens, much as they have to gain, for it requires great outlay of money to support a trained and equipped force, as well as to provide a fund to meet emergencies. Only the Government can do it, and, since the law does not provide effective protection for the public domain, only in the National Forests can the Government give the help so urgently needed.

Through its fire patrol the Forest Service undertakes to guard the property of the resident settler and miner, and to preserve the timber, water, and range upon which the prosperity of all industries depends. The help it can give to the development of the West may be greatly increased by the cooperation of citizens. Destructive forest fires are not often willfully set, but far too commonly they result from failure to realize that carelessness will be followed by injury and distress to others. The resident or the traveler in forest regions who takes every precaution not to let fire escape, and who is active in extinguishing fires which he discovers, contributes directly to the development and wealth of the country and to the personal safety and profit of himself and his neighbors. He who does not assume a great responsibility by endangering not only his own welfare, but that of countless others.

Citizens' fire brigades have been organized successfully in many National Forests. Not only is the prevention of fire to the interest of all property owners, but men under obligation to fight fire because they hold permits will profit greatly by such prevention, because it reduces the work which they may be called upon to do. An organization which will put out a fire before it gathers headway may save many days' hard work.

Residents in the vicinity of Forests, and especially those holding permits of any kind, are urged to cooperate with the Forest officers by holding themselves in readiness to respond with a fixed number of men to a call from the Forest officer. If, for example, one man in each of ten different districts had previously notified the supervisor that he would hold himself responsible

for the appearance of himself and nine others at any fire that could not be controlled by the Forest force, by calling on the ten men a force of a hundred would be quickly available. The local ranger should keep these leaders informed of his movements as far as practicable. States, towns and cities, lumber companies, water companies, railroads, and others interested are invited to cooperate with the Forest Service in guarding against fire.

Care with small fires is the best preventive of large ones. The following simple regulation may easily be observed by all, and its violation will be treated as trespass.

REG. 78. The willful setting on fire, or causing to be set on fire, of any timber, brush, or grass, or leaving or suffering any fire to burn unattended near any timber or other inflammable material in a National Forest is prohibited.

REG. 79. Camp fires must not be larger than necessary; must not be built in leaves, rotten wood, or other places where they are likely to spread, or against large or hollow logs, where it is difficult to be sure when they are completely out. In windy weather and in dangerous places camp fires must be confined to holes, or all vegetable matter must be cleared from the ground around them. A fire must never be left, even for a short absence, before it is completely extinguished.

REG. 80. Lumbermen, settlers, miners, prospectors, and other persons using the National Forests are cautioned against making dangerous slashings, and must not fire them in very dry weather. If it is necessary to burn

slashings, ample notice must always be given the nearest Forest officer before burning, so that he may take steps to reduce the danger. If notice is not given, or if the ranger's instructions are not followed, the person responsible for the burning will be held strictly accountable for all damage to the Forest, and will be liable, in aggravated cases, to criminal prosecution.

There is no desire to hamper the work of settlers and lumbermen nor to limit the rights of property holders, but it is not just that other forests and improvements, whether owned privately or by the Government, should be endangered by carelessness.

FIRE LAWS AND PENALTIES.

There is ample legal provision for the punishment of malice or carelessness with fires. The act of June 4, 1897, instructs the Secretary to make provisions for the protection of the National Forests against fire, and provides for the punishment of any violation of his regulations. The act of May 5, 1900, prescribes a maximum fine of \$5,000, or two years' imprisonment, or both, for any person convicted of the willful setting of a fire on the public domain or for suffering a fire to burn unattended near any inflammable material. It prescribes a fine of \$1,000, or one year's imprisonment, or both, for building a fire and leaving it before it is totally extinguished. Any officer of the Forest Service may arrest violators of these laws.

HOW TO FIGHT FIRE.

When once a fire has spread over an acre or more, especially where much dead and down timber makes it

very hot, it may be so far beyond the control of one man that it is best to leave it and get help. The character and condition of the woods, the weather, the prevailing winds, and even the time of day have so much to do with such cases that general directions have little value, and all depends upon the experience and good judgment of the ranger.

Generally the best tools for fighting fire are the shovel, mattock, and ax. The ranger should always carry at least an ax during all the dangerous season.

In a damp, heavy forest, fire usually travels slowly, and a few men, if persistent, can keep it in check by trenching, even though they may not extinguish it, and must continue the watch until rain falls. In dry, open woods fire travels faster, and it is often best to go some distance to open ground and back fire from there. In handling back fires great care is needed to avoid useless burning; therefore they should never be set except by Forest officers, unless in great emergencies.

The night or the early morning is the best time to work, whenever any choice exists, for nearly all forest fires die down, more or less, during the cool of the night and flare up again during the heat of the day.

Following are several general principles to be borne in mind:

Protect the valuable timber rather than the brush or waste.

Never leave a fire, unless driven away, until it is entirely out.

Young saplings suffer more than old mature timber.

A surface fire in open woods, though not dangerous to old timber, does great harm by killing seedlings.

A fire rushes uphill, crosses a crest slowly, and is more or less checked in traveling down. Therefore, if possible, use the crest of the ridge and the bottom as lines of attack.

A good trail, a road, a stream, an open park check the fire. Use them whenever possible.

Damp or even dry sand or earth thrown on a fire is usually as effective as water and easier to get.

PROTECTION AGAINST TRESPASS.

CIVIL ACTION.

The United States has all the civil rights and remedies for trespass possessed by private individuals.

Injunction.—When facts reported by a Forest officer make it advisable, the Forester will seek an injunction to restrain trespass on National Forests.

Damages.—Civil action may be brought to recover damages caused by any trespass or breach of contract, in addition to criminal action.

Compromise.—The Secretary of Agriculture has no power to compromise criminal cases, and a proposition of settlement, submitted with the understanding that if accepted criminal proceedings for the trespass will be waived, will be rejected.

Settlement.—The Secretary of Agriculture has power to settle with any trespasser for the actual civil damages.

Punitive damages.—When trespass can be shown to be malicious or due to such negligence as implies malice or a reckless indifference to the rights of the Govern-

ment, especially when a person trespasses after notice, punitive damages may be recovered, although the act constitutes an offense punishable under the criminal statutes.

CRIMINAL ACTION.

The violation of any regulation made by the Secretary of Agriculture to regulate the occupancy and use of the National Forests and preserve the forests thereon from destruction is a crime punishable by a fine of \$500, or imprisonment for one year, or both. These regulations are distributed throughout this book in the order of their subject-matter. Notices of certain statutes specifically penalizing certain acts in National Forests are distributed throughout this book in the same manner.

Arrest.—All Forest officers have power to arrest without warrant any person whom they discover in the act of violating the National Forest laws and regulations, or to secure a warrant from a United States commissioner, or, if one is not convenient, from a justice of the peace, and use it as the visible sign of the right to arrest, and also to arrest for any such violation on a warrant obtained by any competent person.

PROTECTION OF GOVERNMENT PROPERTY.

REG. 81. The following acts within National Forests are forbidden:

(a) Willful destruction of or damage to any property belonging to or used by the United States for National Forest purposes.

(b) The willful tearing down or defacing of any notice of the Forest Service.

FOREST PLANTING.

As a result of severe forest fires and destructive lumbering there are several million acres in the National Forests which have been denuded. Wherever there is no possibility of the natural reseeding of this land within a reasonable time, it is the purpose of the Forest Service to restore it to a state of productiveness by forest planting, and thus renew as soon as possible the ability of extensive watersheds to control and regulate stream flow.

Planting operations of the Forest Service are at present centered in planting stations within or near National Forests. With trees grown at these stations, planting is carried out on important watersheds of near-by Forests, and plant material is distributed to other Forests in the region for experimental planting. A few small nurseries are maintained on certain Forests to grow trees for special experiments.

On Forests where conditions favor reforestation by direct seeding, experiments are being carried out to determine its feasibility.

Planting will be confined chiefly to those watersheds where a forest cover is necessary to conserve the water supply of adjacent towns and cities.

The object of experimental planting is to ascertain in advance the proper size of nursery stock to use under different conditions, and the best seasons and methods for planting. These experiments are being made on as many of the Forests as possible where there is need for reforestation.

A limited amount of nursery stock for planting on private land within National Forests may be secured

from planting stations by making application to the supervisor. Stock is furnished only to residents in or near the National Forests who will agree to plant it on private or Government land within the National Forest, and for watershed improvement only.

Requests from individuals for nursery stock, in case less than 1,000 trees are desired, may be granted by the supervisor. Requests for 1,000 or more plants should be referred, with recommendations, to the Forester.

TIMBER-TREATING PLANTS.

Small experimental treating plants are constructed and operated on or near certain of the National Forests where they would greatly increase the use and value of the available supply of timber. The object of such plants is to show how far preservative treatments are practicable for the class of timber at hand, and to ascertain the cheapest efficient preservatives and processes which may be used. The design of the plants varies on different Forests. Some are constructed especially for the treatment of telephone poles; others for ties, fence posts, or other timbers.

The conditions which make the establishment of such plants advisable are: (1) A demand for considerable quantities of durable timber; (2) an abundant supply of dead or inferior timber on the National Forest, combined with a scarcity of the better classes of wood; (3) the willingness of consumers to cooperate in the treatments by contributing money, labor, or preservatives, or in other useful ways.

WOOD UTILIZATION LABORATORIES.

Wood utilization laboratories of the Forest Service are located at the University of Washington, Seattle,

Wash.; the University of California, Berkeley, Cal.; and the University of Colorado, Boulder, Colo., and cooperate respectively with Forest officers in districts 1 and 6, 4 and 5, and 2 and 3. They work upon the problems encountered in utilizing National Forest timbers. When necessary, laboratory work will be supplemented by field studies.

The Forest Service undertakes tests along any of the following lines which may assist in more completely utilizing the timber of the National Forests:

(1) To determine the strength, toughness, and other properties of wood, and the influence of such factors as rate of growth, knots, checks, red heart, etc., on these properties.

(2) To determine the best methods of seasoning different woods.

(3) To determine the suitability of different woods for the manufacture of paper pulp.

(4) To determine for any wood the valuable chemical products which may at present be wasted, such as tannin, turpentine, and wood alcohol.

PERMANENT IMPROVEMENTS.

ROADS.

To make the resources of the National Forests accessible and to protect them, the Forest Service hopes eventually, with the cooperation of the local authorities, to build a complete system of free roads and trails through each Forest.

The Forest Service is not only willing but anxious to cooperate in the construction and maintenance of roads, trails, and bridges within the National Forests.

Any community which desires to take advantage of this offer should communicate with the Forest officer in charge through the supervisor.

TRAILS.

There is urgent need of more and better trails on most of the National Forests. They are of capital importance, because they are not only the best insurance against fire, but one of the chief means by which the Forests can be seen and used.

TELEPHONE LINES.

Telephone lines may be constructed in National Forests under special-use permits, and the Forest Service will encourage and cooperate in their construction.

Arrangements will be made as rapidly as possible to construct telephone lines to connect the supervisor's headquarters with rangers' headquarters and lookout stations, so that fires may be reported and other business of the Forest conducted expeditiously.

Cooperation will not be accepted unless those who wish to cooperate will contribute a considerable part of the cost of the line. The use of all Service telephone lines and instruments will be free to the public unless the free use should become burdensome to the Forest officers or interfere with the efficiency of the system for Service use. The excessive use of instruments not only seriously impairs their efficiency, but is detrimental to the prompt transaction of Service business.

The number of telephones that can be allowed on the lines is of necessity limited. The Service will permit the connection of private instruments only when they

are so located as to be of assistance to the Forest officers in the performance of their regular duties, or are placed in the houses of persons who will act as lookouts for forest fires, or are to be used by persons who have co-operated in building the line. The length of the line, size of wire, and manner of construction will determine the number of instruments allowable. When for any reason private telephones are allowed on lines constructed entirely by the Forest Service the following points should be observed:

Application forms for such instruments must be approved by the Forester. If granted, a reasonable charge will be made.

The right to connect with the Forest Service line does not give the subscriber the right to use the exchange of any commercial company with which this line may connect. If it is desired to use the exchange, arrangements must be made by the subscriber with the owners of the exchange.

Toll will be collected from subscribers and others for the use of those Forest Service lines over which free service is not granted.

Persons having instruments connected with Forest Service lines must agree to the following conditions:

To immediately repair any breaks or remove any cause of trouble occurring on their lines; that is, that part of the lines from their instruments to the Forest Service line. To disconnect their lines from the Forest Service line during any period exceeding one week in length when their houses are not occupied. To permit Forest officers to use their instruments and lines free of charge, and to allow Government business to have pre-

cedence over all private business. To install a telephone instrument, to be approved by the Forest officer, of such make and construction as not to interfere with the best operation of the Forest Service line.

When it is necessary to construct lines across other than Government lands, right of way should be obtained from the owners of the land on a form which can be obtained from the Forester.

FIRE LINES.

On a number of the Forests fire lines must be constructed as a protection against disastrous fires. Where this is done to protect the direct water supply of adjacent towns, cities, or ranches, or the range of permitted stock, the cooperation of the interested residents is earnestly requested.

NATIONAL FOREST BOUNDARIES.

Destroying, defacing, changing, or moving any corner, meander post, monument, or bench mark, or cutting down any blazed line or witness tree on any Government line of survey is prohibited by specific act of Congress.

SURVEYS WITHIN NATIONAL FORESTS.

The act of March 3, 1899, makes the surveying of National Forest lands identical, in all but the establishing of boundaries, with that of the public domain. Where survey to permit the patenting of valid claims is desired, application should be made to surveyors-general, and action thereon will be governed by the usual considerations.

INDEX.

A.

	Page.
Absence from claims, excusable	27
Act of June 11, 1906, provisions of.....	28
rights of squatters under.....	28
Acts forbidden in National Forests.....	44-45
Administrative sites.....	35-36
use of timber.....	47
Age limits for Forest officers.....	24
Agricultural land, cultivation of.....	41
settlement, act of June 11, 1906	27
Application for homestead claims.....	29

B.

Bedding of sheep and goats	77
Bonds and contracts	88
Boundaries, marking	100
of National Forests.....	16
Bureau of Entomology, cooperation with	25
Plant Industry, cooperation with	25

C.

City water supplies, protection of.....	25-26
Claims, absence from, excusable.....	27
homestead	27-28
regulations governing.....	27-28
rights of squatters on	28
occupants of, must not cut timber without permit...	27
violate regulations	27
removal of improvements from	27

	Page.
Claims, Secretary of Interior has jurisdiction in questions of	
title	26
timber cutting on	27
valid, defined	26
within National Forests, how initiated	26-27
Contracts and bonds	88

D.

Deputy supervisors, qualifications and duties	20
Desert-land claims	30-31
area and character of land available	30
expenditure required	31
final proof	30-31
qualifications of entryman	30
Ditches and canals constructed by authority of United States.	36

E.

Emergency uses, prior to issuance of permit	40-41
Examinations, character of	24
for ranger, whom eligible	24
where held	23-24

F.

Fences (<i>see</i> Grazing).	
Fire (<i>see</i> Fire protection).	
lines	100
protection	88-93
benefits of	88
citizens' fire brigades	89
expense borne by Government	88
how to fight fires	91-93
laws and penalties	91
patrol	89
penalties and laws	91
regulations governing	90-91
residents urged to cooperate	89-90
Fiscal agent alone authorized to receive payments	86-87

	Page.
Forest assistants, age limits	24
qualifications and duties	20-21
homestead act, provisions of	28
applications under	28-30
officers, deputy supervisors	19-23
forest assistants	20
guards	23
inspectors	18-19
lumbermen	21
promotion of	23
rangers	21-23
scalers	21
supervisors	19
planting, need and methods	95-96
nursery stock for distribution	96
Free use of timber and stone	47-50
by Reclamation Service	50
in Black Hills National Forest ..	49
for schools and churches	41
stone, etc., for roads or trails	42

G.

Game and fish preserves	45
and stock, protection of	85-86
Grazing	63-86
advisory boards	65-66
allotment	66-69
number of stock prescribed by Secretary of Agriculture	66
authority of Secretary of Agriculture	63-64
bond, when required	78
corrals and inclosures	82-84
crossing permits	80
districts and divisions	69
drift fences and inclosures	81-84
drifting of stock is trespass	70
fees	74-75
additional when period is extended	75

	Page.
Grazing fees, determined by Forester.....	66
how calculated.....	75
payable in advance.....	75-76
refunding of	76
fences and inclosures, illegal	83-84
fences, drift and division	81
handling stock	76-79
camp fires	78
carcasses in vicinity of water.....	77
damages for reduction of stock for violation of regulations	78
new roads and trails.....	77
notification before driving.....	76
penalty for trespass.....	78
repair of damage.....	77
salting of stock.....	77
sheep and goats, bedding of.....	77
illegal fences and inclosures.....	83-84
live-stock associations and advisory boards	65-66
objects of regulations.....	64
pastures, when allowed.....	82-83
period determined by Forester.....	66
permits	66-68
applications for, how made and granted....	71-74
canceled on sale of stock.....	70-71
for crossing.....	80
maximum limit to prevent range monopoly.	68
milch or work animals excepted.....	69
penalty for neglect to secure.....	70
preference of applicants.....	67-68
required by all persons.....	69
season covered.....	67
usual period.....	65
when issued.....	64-65
private land, use of.....	79-90
protection, game and stock.....	85-86
quarantine and local live-stock laws.....	84-85
regulations, objects of.....	64

Page.

Grazing, restrictions in handling stock.....	76-79
season.....	67
tanks.....	83
wild hay.....	84
Guards, qualifications and duties.....	23

H.

Homestead claims.....	27-28
Homesteads, additional right of entry.....	29
occupancy of, under preference right.....	30
How to fight forest fires.....	91-93

I.

Indemnity selections.....	35
Improvements by permittees.....	37
permanent.....	97-100
Inspectors, appointment and duties.....	18-19
Intoxicants, use of.....	17-18

J.

Jurisdiction of Department of Agriculture.....	36
Interior.....	36

L.

Laboratories (<i>see</i> Wood utilization).	
Lumbermen, appointment and duties.....	21

M.

Marking boundaries.....	100
Monuments, National, creation of.....	26
Mining claims.....	32-33
character of land and valid claims.....	33
discovery of mineral and exploration required.....	33
minerals warranting entry.....	32
right of locator to timber.....	33

N.

	Page.
National Forests, acts forbidden in	44-45
creation of	13-15-17
history of	12-13
objects of	11
policy of administration.....	14-15
monuments, creation of	26

P.

Payments, to whom authorized.....	86-87
Permanent improvements.....	97-100
fire lines	100
roads	97-98
telephone lines	98-100
trails.....	98
Permits, applications for, how filed.....	36
give no rights except those specifically given	37
improvements	37
may be charged for	37
not assignable	37
when necessary.....	37
not necessary	37
(<i>See also</i> Grazing, Special use.)	
Planting assistants, qualifications and duties.....	21
may act as rangers	21
Power plants.....	43-45
Preference rights under homestead act	25
(<i>See also</i> Grazing.)	
Promotions, when made	23
Protection against fire	88-93
trespass (<i>see</i> Trespass).	
of game and stock.....	85-86
Government property.....	94

R.

Rangers, qualifications and duties	21-23
Railroad lands.....	35

	Page.
Receipts	86-87
Reclamation Service, use of timber, stone, and earth.....	50
Refunds, claims for, how made	87
Removal of improvements from claims.....	27
Rights of way amounting to easements, procedure	45-47
for ditches and canals	36
Roads and trails, permits for	42-43
when charge is made for timber	42
(<i>See also</i> Permanent improvements.)	
Rules for fighting fires	91-93

S.

Scalers, qualifications of.....	21
School sections.....	34-35
Secretary of Interior, jurisdiction of, in questions of title	26
Settlement on homesteads.....	29-30
Special-use permits and rights of way amounting to easements.....	46-47
telephone lines.....	43
authority to issue, etc.....	38
charge for	39
for cultivation of agricultural lands.....	41
for power plants	43-45
for what issued	38
free.....	39
not to interfere with lawful hunting.....	45
on lands reserved for administrative use.....	38-39
Special uses.....	38-47
defined.....	38
forbidden acts	44-45
Speculation in special uses discouraged.....	40
Squatters, rights of.....	28
State lands.....	34-35
North Dakota, South Dakota, Montana, Washing- ton, Idaho, and Wyoming	34
Supervisors, qualifications.....	19
Surveys.....	100

T.

	Page.
Telephone lines on country roads.....	43
(See also Permanent improvements.)	
Timber, administrative use of.....	47
and stone claims.....	31, 32
entry requirements.....	31-32
punishment for false affidavit.....	32
free use of.....	47-50
for roads and trails, when free and when charged for.....	42
removal of, in timber sales.....	57
sales.....	50-62
advance cutting.....	59
advertisements and bids.....	58-59
Alaska.....	62-63
allotments to prevent monopoly.....	58
all points to be discussed with purchaser.....	59-62
application, formal, preparation of.....	59-62
classes.....	52-54
(A) ranger's sales.....	52-53
(B) supervisor's sales.....	53-54
(C) forester's sales.....	54
conditions.....	55-58
bonds, when required.....	56
marked trees only to be cut.....	57
marking for timber.....	56
period for removal of timber.....	55-56
removal of timber, requirements...	57
on valid, unpatented claims.....	57-58
payments and deposits.....	55
private sale after advertisement.....	59
settlement.....	50
treating plants, need and objects.....	96
trespass, measure of damages.....	57
Title to claims, Secretary of Interior has jurisdiction over...	26
Tools for fighting fires.....	92
Town sites.....	34
Trails (see Permanent improvements).	
Treating plants (see Timber).	

	Page.
Trespass, civil action.....	93-94
criminal action.....	94
damages for.....	57
drifting of stock.....	70
on unsurveyed lands in National Forests.....	35
protection against.....	93-94

U.

Uses	36-86
------------	-------

V.

Valid claims, defined.....	26
----------------------------	----

W.

Water supplies, city, protection of.....	25-26
Wood utilization laboratories, location and work	96-97

O

